

Registered Federal Trademark

OK
Friday
December 17, 1982

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Antibiotics

Food and Drug Administration

Coal Mining

Surface Mining Reclamation and Enforcement Office

Employment

Immigration and Naturalization Service

Food Ingredients

Food and Drug Administration

Food Stamps

Food and Nutrition Service

Freedom of Information

Selective Service System

Government Property Management

General Services Administration

Income Taxes

Internal Revenue Service

Investment Companies

Securities and Exchange Commission

Marine Resources

National Oceanic and Atmospheric Administration

Marketing Agreements

Agricultural Marketing Service

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Questions and requests for specific information may be directed to the telephone numbers listed under **INFORMATION AND ASSISTANCE** in the **READER AIDS** section of this issue.

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 278, and 279

[Amdt. No. 236]

Food Stamp Program: Authorizing House-to-House Trade Routes and Tougher Penalties for Firms Which Break the Rules

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends Food Stamp Program Regulations to implement the Food Stamp Act Amendments of 1982. These Amendments tighten the rules for authorization of house-to-house trade routes where necessary to prevent fraud and abuse, and specify a scale of penalties for authorized firms which violate the regulations.

EFFECTIVE DATES: This interim rule is effective on December 17, 1982. To be assured of consideration in the development of the final rule, comments must be received by March 17, 1983.

ADDRESS: Comments should be submitted to Virgil Conrad, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Alexandria, Virginia, Room 706.

FOR FURTHER INFORMATION CONTACT: Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3487.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this rule under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The rule will affect the economy by less than \$100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified the rule as "not major".

Justification for Publishing as Interim Rule, Effective on Publication. This rulemaking is being published as an interim rule, effective on publication, consistent with the mandate of Section 193 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253, enacted on September 8, 1982). Section 193 mandates that the provisions of Pub. L. 97-253 addressed in this rule are effective as of the date of enactment. For this reason Samuel J. Cornelius, Administrator of the Food and Nutrition Service, pursuant to 5 U.S.C. 553, has determined that prior public comment on this rule is impracticable and contrary to the public interest and that good cause exists for making this rule effective less than 30 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Regulatory Flexibility Act. This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. The Administrator of the Food and Nutrition Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Only a small number of small entities (trade routes, and firms which violate program regulations) will be affected.

Recordkeeping Requirements. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Amendments

House-to-house trade routes. Section 165 of Pub. L. 97-253 requires the Department to limit the participation of house-to-house trade routes to those that are "reasonably necessary to provide adequate access to households" in those areas in which the Secretary, in consultation with the Inspector General, finds evidence that route operations damage the program's integrity.

In the Senate Committee report accompanying the 1982 legislation (S.R. No. 97-504, dated July 26, 1982), the Committee stated that because of two cases in Dade County, Florida, in which fictitious mobile fish markets became authorized to serve as outlets for illegally obtained food stamps, the Department should tighten its application review process for "rolling stores". Since reports of abuse tend to center in urban areas, the Committee thought the Department should concentrate its efforts on those areas. However, the Committee cautioned the Department that it should consider the needs of recipients in areas where restrictions are contemplated, and use caution in limiting house-to-house trade routes which serve housebound recipients and those, such as residents of high crime areas, who have difficulty leaving their homes to buy food. The Committee also directed the Department to reexamine its regulations on "rolling stores" to determine if further verification is needed and if the regulations need further tightening. The Department has tightened its monitoring of "rolling store" through nonregulatory policy changes. We have decided to specify those changes in this rulemaking. (§ 278.1(h)). The Department will also conduct a nationwide study of the effect "rolling stores" have on program integrity.

The term "house-to-house trade route" includes milk routes, bread routes, and mobile markets or "rolling stores". All of these entities have the ability to move easily from place to place. As a result, they are hard to monitor. Therefore, the Department has applied the restriction specified in the Act to all firms which fit the definition of "house-to-house trade route."

Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications. Section 175 of

Pub. L. 97-253 prescribes minimum disqualification periods for firms which violate the Food Stamp Act or the regulations. It mandates that firms be disqualified for 6 months to 5 years for the first sanction; for 12 months to 10 years for a second sanction; and permanently for a third sanction or one based on the purchase of coupons or trafficking in coupons or authorization to participate (ATP) cards. The regulations (§ 278.6(e)) list the new periods of disqualification and the criteria which will be used to determine which period of disqualification should be used. The sliding scale of disqualification is designed to more heavily punish serious violators who were previously advised by FNS that violations were occurring, firms whose practice is to violate, and firms which were previously sanctioned.

Traditionally, the length of the period of disqualification has been based, in part, on whether it was the firm's policy to violate. Because of the difficulty in defining, and confusion surrounding the concept of firm policy, the Department has replaced the "firm's policy" with the new term "firm's practice". This change is intended to render a firm liable for the violative actions of its employees regardless of whether a policy to violate is announced or advocated by firm management.

On September 3, 1982, the Department published in the *Federal Register* a proposed regulation which specified penalties for violations by wholesale food concerns. However, the proposed rule was developed prior to the 1982 Amendments and the penalties it specified conformed to the old set of penalties. The longer periods of disqualification mandated in the 1982 Amendments apply to wholesale food concerns as well as to retail food stores. Accordingly, the Department has changed the penalties that were originally proposed September 3, 1982, in order to bring them into line with the new penalties specified by the amended Act. All comments received on the proposed rule will be considered along with all comments received on this rule.

The new penalties will be applied to any violations which occur after the effective date of these regulations. Firms disqualified or assessed a civil money penalty under the old set of penalties are subject to the escalation provisions in the new penalties for any new sanction based on violations which occur after the effective date of these regulations. Sanctions in effect will not be changed.

The House Committee report specifies that a third sanction "Would result in permanent disqualification" * * *

regardless of whether earlier violations had resulted in civil money penalties or disqualification periods." Accordingly, the regulations specify that a civil money penalty may not be imposed in lieu of a permanent disqualification. The House Committee Report also notes that the Department is not precluded from disqualifying stores for repeated violations even though the store may meet the criteria for a civil money penalty. To assure an effective penalty and to prevent continued abuse when a firm is inclined to violate, the Department has reserved the right to disqualify a repeat violator and not offer such a firm a civil money penalty.

The regulations implement the maximum civil money penalty of \$10,000 per violation as specified in Section 175 of Pub. L. 97-253. The Department has increased the penalty multiplier in the civil money penalty formula from 5 percent to 10 percent of the firm's monthly coupon redemptions. This change in the penalty multiplier will increase the fiscal burden of a civil money penalty and is being made as a result of concern that for many firms the 5 percent penalty on redemptions is a lesser financial penalty than disqualification. The Department believes a 10 percent penalty on redemptions would more nearly maintain comparability between the fine and disqualification.

Administrative review—retail food stores and wholesale food concerns. Currently, the Act and regulations provide that the sanction of disqualification shall be subject to administrative review. Current regulations automatically stay administrative action pending administrative review of that action. The Department believes that when the violations warrant a permanent disqualification, the firm should not be entitled to an automatic stay of the disqualification action during an administrative review of the disqualification action. As the administrative penalty for trafficking or for a third occasion of disqualification is specified in the Act, the penalty is not a matter of discretion. To protect the program from further abuse, the regulations specify that a permanent disqualification may not be automatically stayed. (§ 278.8(a)).

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs-social programs.

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries-retail, Groceries, General line-wholesaler, Penalties.

7 CFR Part 279

Administrative practice and procedure, Food stamps, Groceries-retail, Groceries, General line-wholesaler.

For the reasons set out in the preamble, 7 CFR Parts 271, 278 and 279 are amended as follows:

PART 271—GENERAL INFORMATION AND REGULATIONS

1. In § 271.2, definitions of "Firm's practice", "House-to-house trade route", and "Trafficking" are added in alphabetical order, to read as follows:

§ 271.2 Definitions.

"Firm's practice" means the usual manner in which personnel of a firm or store accept food coupons as shown by the actions of the personnel at the time of the investigation.

"House-to-house trade route" means any retail food business operated from a truck, bus, pushcart, or other vehicle which can move easily from place to place.

"Trafficking" means the buying or selling of coupons or ATP cards for cash.

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

2. Section 278.1 is amended by redesignating paragraphs (h) through (n) as (i) through (o). A new paragraph (h) is added, and newly designated paragraph (k) is revised. The new and revised paragraphs read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

(h) *House-to-house trade routes.* FNS may limit the authorization of house-to-house trade routes to those trade routes whose services are needed by participating households in the area in order to obtain food. FNS shall, in consultation with the Department's Office of Inspector General, determine those locations where the operation of trade routes damages the program's integrity. In such areas, the FNS Officer in Charge, in deciding whether

households need a trade route's services, shall consider the volume of food business the trade route does and the availability of alternate sources of comparable food. An FNS official shall inspect any applicant trade route's vehicle to ensure that the trade route is a bona fide retail food store before authorizing it to accept coupons. An FNS official may require, as a condition of continuing authorization, that the vehicle be reinspected semiannually thereafter to ensure that it continues to qualify to accept coupons.

(k) *Withdrawing authorization.* FNS shall withdraw the authorization of any firm authorized to participate in the program if it determines that the firm's continued participation will not further the purposes of the program, or the firm fails to meet the specifications of paragraph (b), (c), (d), or (e) of this section, or that the firm has been found to be circumventing a period of disqualification or a civil money penalty through a purported transfer of ownership. The FNS officer in charge shall issue a notice to the firm by certified mail or personal service to inform the firm of the determination and of the review procedure. FNS shall remove the firm from the program if the firm does not request review within the period specified in § 279.5.

3. In § 278.6, paragraph (f) is removed, paragraphs (g) through (k) are redesignated as (f) through (j) respectively, and paragraphs (a), (e), and newly designated paragraphs (f) and (g) are revised to read as follows:

§ 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications.

(a) *Authority to disqualify or subject to a civil money penalty.* FNS may disqualify any authorized retail food store or authorized wholesale food concern from further participation in the program if the firm fails to comply with the Food Stamp Act or this part. Disqualification shall be for 6 months to 5 years for the firm's first sanction; from 12 months to 10 years for a firm's second sanction; and disqualification shall be permanent for a firm's third sanction or a disqualification based on trafficking in coupons or ATP cards. Any firm which has been disqualified and which wishes to be reinstated at the end of the period of disqualification or at any later time shall file a new application under § 278.1 of this part so that FNS may determine whether reinstatement is appropriate. The application may be filed no earlier than 10 days before the

end of the period of disqualification. Except in the case of a permanent disqualification, FNS may, in lieu of a disqualification, subject the firm to a civil money penalty of up to \$10,000 for each violation if FNS determines that a disqualification would cause hardship to participating households.

(e) *Penalties.* FNS shall take action as follows against any firm determined to have violated the Act or regulations. For the purposes of assigning a period of disqualification, a warning letter shall not be considered to be a sanction. A civil money penalty and a disqualification shall be considered a sanction for such purposes. The FNS regional office shall:

- (1) Disqualify the firm permanently if:
 - (i) Personnel of the firm have purchased coupons or trafficked in coupons or ATP cards; or
 - (ii) Violations such as, but not limited to, the sale of ineligible items occurred and the firm had twice before been sanctioned.

(2) Disqualify the firm for 5 years if it is to be the firm's first sanction, the firm had been previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations, and the evidence shows that:

- (i) It is the firm's practice to sell expensive or conspicuous nonfood items, cartons of cigarettes, or alcoholic beverages in exchange for food coupons; or
- (ii) The firm's coupon redemptions for a specified period of time exceed its food sales for the same period of time; or

(iii) A wholesale food concern's redemptions of coupons for a specified period of time exceed the redemptions of all the specified authorized retail food stores, nonprofit cooperative food-purchasing ventures, group living arrangements, drug addict and alcoholic treatment programs, and shelters for battered women and children which the wholesale food concern was authorized to serve during that time; or

(iv) A wholesale food concern's stated redemptions of coupons for a particular retail food store, nonprofit cooperative food-purchasing venture, group living arrangement, drug addict and alcoholic treatment program, or shelter for battered women and children exceeded the actual amount of coupons which that firm or organization redeemed through the wholesaler; or

(v) Personnel of the firm knowingly accepted coupons from an unauthorized

firm or an individual known not to be legally entitled to possess coupons.

(3) Disqualify the firm for 3 years if it is to be the first sanction for the firm and the evidence shows that:

(i) It is the firm's practice to commit violations such as the sale of common nonfood items in amounts normally found in a shopping basket and the firm was previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(ii) Any of the situations described in paragraph (e)(2) of this section occurred and FNS has not previously advised the firm of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(iii) The firm is an authorized communal dining facility, drug addiction or alcoholic treatment and rehabilitation program, group living arrangement, meal delivery service, or shelter for battered women and children and it is the firm's practice to sell meals in exchange for food coupons to persons not eligible to purchase meals with food coupons and the firm had been previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(iv) A wholesale food concern accepted coupons from an authorized firm which it was not authorized to serve and the wholesale food concern had been previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(v) The firm is an authorized retail food store and personnel of the firm have engaged in food coupon transactions with other authorized retail stores, not including treatment programs, group living arrangements or shelters for battered women and children, and the firm had been previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations.

(4) Disqualify the firm for 1 year if it is to be the first sanction for the firm and the ownership or management personnel of the firm have committed violations such as the sale of common nonfood items in amounts normally found in a shopping basket, and FNS has not previously advised the firm of the possibility that violations were occurring and of the possible consequences of violating the regulations.

(5) Disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as but not limited to the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management.

(6) Double the appropriate period of disqualification prescribed in paragraphs (e) (2) through (5) of this section as warranted by the evidence of violations if the same firm has once before been assigned a sanction.

(7) Send the firm a warning letter if violations are too limited to warrant a disqualification.

(f) *Criteria for civil money penalty.* FNS may impose a civil money penalty as a sanction in lieu of disqualification only when the firm subject to a disqualification is selling a substantial variety of staple food items, and the firm's disqualification would cause hardship to food stamp households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices. FNS may disqualify a store which meets the criteria for a civil money penalty if the store had previously been assigned a sanction. A civil money penalty may not be imposed in lieu of a permanent disqualification.

(g) *Amount of civil money penalty.* FNS shall determine the amount of the civil money penalty as follows:

(1) Determine the firm's average monthly redemptions of coupons for the 12-month period ending with the month immediately preceding that month during which the firm was charged with violations.

(2) Multiply the average monthly redemption figure by 10 percent.

(3) Multiply the product arrived at in paragraph (g)(2) of this section by the number of months for which the firm would have been disqualified under paragraph (e) of this section. In any event, the civil money penalty may not exceed \$10,000 for each violation.

5. In § 278.8, paragraph (a) is revised to read as follows:

§ 278.8 Administrative review—retail food stores and wholesale food concerns.

(a) *Requesting review.* A food retailer or food wholesaler aggrieved by administrative action under § 278.1, § 278.6 or § 278.7 may, within the period stated in § 279.5, file a written request for review of the administrative action with the review officer. On receipt of the request for review, the questioned administrative action shall be stayed pending disposition of the request for review by the review officer except that

a permanent disqualification will not be subject to an automatic stay. An administrative stay of a permanent disqualification may be available upon a showing by the appellant that there is a substantial likelihood that no disqualification is warranted. A disqualification for failing to pay a civil money penalty shall not be subject to an administrative review.

PART 279—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

6. In § 279.6, paragraph (b) is revised to read as follows:

§ 279.6 Content of request for review.

(b) *Supporting the request.* The request shall include information in support of the request showing the grounds on which review is being sought, or shall state that supporting information will be filed in writing at a later date. In the latter case, the review officer shall notify the firm of the date by which the information must be filed. The firm requesting review may ask for an opportunity to appear before the review officer in person. However, any information submitted in person shall, if directed by the review officer, be put in writing by the firm and filed with the review officer within a period which the review officer shall specify. Any request for a stay of a permanent disqualification must be submitted with the initial request for review and must include information in support of the request for a stay.

7. In § 279.7, paragraph (a) is revised to read as follows:

§ 279.7 Action upon receipt of a request for review.

(a) *Holding action.* Upon receipt of a request for review of administrative action, the review officer shall notify the appropriate FNS regional office, in writing, of the action under review and, except where a stay is not granted, shall direct that the administrative action shall be held in abeyance until the review officer has made a determination. The review officer may grant a stay of a permanent disqualification only upon a showing by the appellant that there is a substantial likelihood that no disqualification is warranted. The review officer shall, within 15 working days of the receipt of the request for a stay, inform the firm in writing of the review officer's determination as to whether or not to grant a stay. If the questioned administrative action involved a denial of an application to participate in the

program or a denial of a claim, the review officer shall direct that the firm shall not be approved for participation or paid any part of the disputed claim until the review officer has made a determination. In any case, notice to the appropriate FNS regional office shall be accompanied by a copy of the request filed by the firm.

(91 Stat. 958 (7 U.S.C. 2011-2029))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: December 14, 1982.

Robert E. Leard,

Associate Administrator, Food and Nutrition Service.

[FR Doc. 82-34332 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

7 CFR Part 610

Technical Assistance

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Final rule amendment.

SUMMARY: This document makes editorial and nomenclature changes in 7 CFR 610.4 for the purpose of clarity and ease of understanding. These changes will have no effect on the public.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Frances E. Robinson, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013, (202) 447-9157.

SUPPLEMENTARY INFORMATION: This action has been determined to be exempt from the requirements of Executive Order 12291, as the action is an internal agency practice to clarify the rule. This action is administrative in nature, and publication for comment is unnecessary.

The unnumbered paragraph of § 610.4 contains paragraph designations (a), (b), (c), and (d) which are unnecessary and confusing. Also, there is a nomenclature change needed in paragraph (a)(5), as the Department of Health, Education, and Welfare is now the Department of Health and Human Services.

List of Subjects in 7 CFR Part 610

Technical assistance, Soil conservation, Water resources.

PART 610—TECHNICAL ASSISTANCE

§ 610.4 [Amended]

For reasons set out in the preamble, § 610.4 of 7 CFR is amended as follows:

1. By removing the paragraph designations (a), (b), (c), and (d) in the introductory paragraph.

2. By changing the words "Health, Education, and Welfare" to "Health and Human Services" in paragraph (a)(5).

Dated: December 9, 1982.

Peter C. Myers,
Chief, Soil Conservation Service.

[FR Doc. 82-33983 Filed 12-10-82; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 390; Lemon Reg. 389, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period December 19-25, 1982, and increases the quantity of lemons that may be shipped during the period December 12-18, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective December 19, 1982 and the amendment is effective for the period December 12-18, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the

recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on December 14, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.690 is added as follows:

§ 910.690 Lemon Regulation 390.

The quantity of lemons grown in California and Arizona which may be handled during the period December 19, 1982, through December 25, 1982, is established at 240,000 cartons.

2. Section 910.689 Lemon Regulation 389 (47 FR 55469) is revised to read as follows:

§ 910.689 Lemon Regulation 389.

The quantity of lemons grown in California and Arizona which may be handled during the period December 12, 1982, through December 18, 1982, is established at 270,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 15, 1982.

D. S. Kuryloski,
Acting Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 82-34520 Filed 12-16-82; 11:33 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

7 CFR Part 725

[Amdt. 4]

Tobacco Acreage Allotment and Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations at 7 CFR Part 725 to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97-218, 96 Stat. 197, approved July 20, 1982) with respect to the flue-cured tobacco acreage allotment and marketing quota program. The rule provides for the sale of flue-cured tobacco allotments and quotas, generally places restrictions on lease and transfer of allotments and quotas, and provides for adjustment of farm yields and acreage allotments. In addition, this rule provides for restrictions with respect to the marketing of tobacco by producers, warehousemen and dealers. The rule provides for forfeiture of flue-cured tobacco allotments and quotas under certain conditions. A Notice of Proposed Rulemaking will be published in the *Federal Register* requesting comments with respect to the forfeiture of flue-cured tobacco acreage allotments and marketing quotas by persons other than individuals.

DATES: Effective December 13, 1982. Comments must be received before February 15, 1983 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013; (202) 382-0200. The Final Regulatory Impact Analysis

covering this rule will be available on request from Jack S. Forlines.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This interim rule is necessary to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (hereinafter referred to as the "Act"). The 1982-83 marketing year for flue-cured tobacco began on July 1, 1982. Since producers, warehousemen, tobacco dealers and buying companies need to be informed of the provisions of this rule as soon as possible, it has been determined that this interim rule shall become effective upon the date of filing with the Director, Office of the Federal Register without prior opportunity for public comment. However, the public is invited to comment on this interim rule for a period of 60 days after the date of publication in the *Federal Register*. A final document discussing comments received and any amendments to this interim rule which may be deemed necessary will be published in the *Federal Register* as soon as possible.

The Act amends the Agricultural Act of 1949 and the Agricultural Adjustment Act of 1938 to provide for the operation of the tobacco price support and production adjustment program in such a manner as to result in "no net cost" to taxpayers, except for administrative expenses. The Act makes other changes to strengthen the operation of the

program. The major provisions of this interim rule are as follows:

(1) *Leasing of flue-cured tobacco allotments and quotas.* Unlike prior tobacco programs, this interim rule provides for the elimination of fall leasing, except in the case of natural disasters. Fall leasing of flue-cured allotments and quotas has been the subject of much criticism as the result of the opportunity for speculation and the increase in the cost of leasing allotments and quotas when middlemen are involved in leasing transactions. The involvement of middlemen in spring leasing is also addressed by requiring that any agreement for the leasing of a flue-cured tobacco allotment and quota must be exclusively between the lessor and lessee or an agent who regularly represents the lessor or the lessee in business transactions unrelated to tobacco. The lessor and the lessee of a flue-cured tobacco allotment and quota must certify compliance with all leasing requirements which are specified in this interim rule. If, after a notice and an opportunity for a hearing, it is determined that a lessee or lessor knowingly made a false statement, the lessee will be ineligible for price support or the lessor's allotment and quota will be reduced, as applicable. The total flue-cured tobacco allotment for any farm is limited, after transfer of allotment by either lease or sale, to 50 percent of the tillable cropland on the farm. Subleasing of allotments and quotas is prohibited.

(2) *Sale of tobacco allotments and quotas.* The sale of flue-cured tobacco allotments and quotas is permitted but such sales may only be made to persons who are or will become active tobacco producers within the same county. At the time a transfer agreement is filed with the county ASCS office to transfer allotment and quota by sale, the agreement must specify the farm to which the allotment and quota shall be assigned. This procedure is designed to prevent "hip-pocket" allotments and quotas (i.e., allotments and quotas assigned to persons rather than to farms). It is the responsibility of a purchaser of an allotment and quota who is not the owner of the farm to which the allotment and quota is assigned to take whatever measures are deemed to be necessary to protect the investment in such purchase should the producer fail to remain an active producer on the farm to which the assignment has been made. An allotment and quota which is purchased may not be sold for a period of 5 years, except as may be required to prevent forfeiture. In addition, the owner of the farm to which allotment and quota is assigned is the only person who is

authorized to sell such allotment and quota.

(3) *Forfeiture of tobacco allotments and quotas.* Any person owning a farm having a flue-cured tobacco allotment that exceeds 50 percent of the tillable cropland on the person's farm must sell or forfeit the excess allotment. Tillable cropland is land which has been cleared and is capable of cultivation without unusual preparation. Tillable cropland does not include orchards, vineyards and land which has been devoted to trees. A person currently having an allotment that exceeds 50 percent of the farm's tillable cropland may prevent forfeiture by: (a) The acquisition of additional tillable cropland; (b) the sale of excess allotment; or (c) the conversion of nontillable land to tillable cropland status.

Section 201 of the Act amends section 316 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b) to provide that if a person purchases a flue-cured tobacco acreage allotment and disposes of an acreage of tillable cropland which results in the total acreage of flue-cured tobacco allotted to such person's farm exceeding 50 percent of the tillable cropland owned by such person, such person will take steps to assure that the total acreage of flue-cured tobacco allotted to such farm does not exceed 50 percent of the tillable cropland owned by such person. Failure of the person to take such action will result in forfeiture of such excess allotment and quota. In addition, if any person owns a farm on or after December 1, 1983, for which the total acreage allotted for the production of flue-cured tobacco exceeds 50 percent of such farm's tillable cropland, such person shall forfeit any acreage allotment representing the excess.

As used in section 201 of the Act, the phrase "owned by such person" indicates that ownership of land is a significant factor in determining allotment which must be forfeited under certain conditions. Accordingly, this interim rule provides that the phrase "owns a farm" means the ownership of: (a) A farm as constituted in accordance with the provisions of 7 CFR Part 719 if the entire farm shares a common ownership; or (b) a tract of land within a farm as constituted in accordance with the provisions of 7 CFR Part 719 if the farm, as constituted, consists of separate ownership tracts.

Thus, when determining the amount of allotment subject to forfeiture because of inadequate tillable cropland, the county ASC committee will consider each ownership tract as though it were a separate farm in those cases where a

farm consists of tracts of land under separate ownership.

Once a flue-cured allotment and quota is purchased, the purchaser must share, for a period of five years, in the risk of production of tobacco produced under the allotment and quota or the allotment and quota shall be sold or forfeited.

(4) *Forfeiture pools.* In each county, a forfeiture pool will be established for forfeited allotments and quotas.

Allotments and quotas will be reallocated by the county committee to eligible persons taking into consideration such factors as the size of the current allotment on the farm, the length of time the applicant has been farming tobacco, and the extent to which the applicant has leased allotment and quota. Forfeited allotments and quotas may be reallocated to farms which currently do not have a tobacco allotment and quota.

(5) *Forfeiture of reallocated allotment and quota.* If an applicant fails to share in the risk of production of tobacco during any of the five years beginning with the crop year in which the allotment and quota is reallocated, the allotment and quota shall be forfeited. Mere failure to utilize the allotment and quota will not result in forfeiture but will extend the five-year period one year for each year the allotment and quota is not utilized.

(6) *Periodic adjustment of flue-cured tobacco yields.* In 1983 and at 5-year intervals thereafter, the Secretary of Agriculture shall adjust: (a) The national average yield goal for flue-cured tobacco to the past 5 years' moving national average yield; and (b) the farm acreage allotments and preliminary farm yields for flue-cured tobacco farms to reflect the past 5 years' moving county average yield in order that the expected production from the allotted acres will more accurately reflect the production capability.

Due to advances in agricultural research and technology, producers of flue-cured tobacco are able to obtain larger yields on an acre of tobacco. Therefore, maintaining a constant allotment may result in the production of a quantity of tobacco that exceeds the marketing quota. This provision updates the acreage-poundage ratio with respect to current yields.

(7) *Limitation on the sale of tobacco floor sweepings.* Effective for the 1982 and subsequent crops of flue-cured tobacco, the allowable floor sweepings of flue-cured tobacco which may be marketed without penalty by warehousemen has been reduced to 0.24 percent times the total first sales of tobacco at auction for the season for the warehouse involved. Previously the

allowance of flue-cured tobacco was 0.5 percent. Marketing floor sweepings in excess of the allowable amount will result in a penalty of 150 percent of the average market price for flue-cured tobacco for the immediately preceding marketing year.

(8) *Lien for payment of penalty.* This provision authorizing a lien on tobacco sets forth a more efficient mechanism for collecting marketing penalties. If a marketing quota penalty is assessed, there shall be a lien in favor of the United States on the tobacco with respect to which the penalty is to be assessed and on any other tobacco subject to marketing quotas in which the person has an interest until the penalty is paid. Currently, penalties which are reduced to a claim in favor of the United States are deductible only from the proceeds of tobacco which is pledged as collateral for a price support loan.

(9) *False identification of tobacco.* The regulations which are currently applicable for flue-cured tobacco provide for the correction of farm production records when actual marketings are determined to be incorrect because of false identification. In many cases, this actually results in an increase in quota for the producer who falsely identifies tobacco.

This interim rule provides that if a producer falsely identifies tobacco, the quantity of tobacco falsely identified shall be considered for purposes of establishing future farm marketing quotas as having been produced both on the farm for which it was identified as having been produced and on the farm of actual production.

(10) *Warehouseman's records and reports.* This interim rule provides for minor changes in the flue-cured tobacco regulations with respect to the records and reports of warehousemen. The most significant change is the requirement that a notation of "No Price Support" must be entered by the warehouseman on the basket ticket for each lot of tobacco which is identified with a marketing card bearing the same notation.

(11) *Dealer's records and reports.* This interim rule also provides for minor changes in the flue-cured regulations with respect to the records and reports of dealers. The dealer shall make deductions for producer contributions to the No Net Cost Tobacco Fund as provided in 7 CFR Part 1464. For the 1982-83 marketing year, the dealer shall deduct three cents per pound from the price paid to the producer in nonauction purchases, unless the purchase is identified with a marketing card bearing the notation "No Price Support." The amount of such deductions in

subsequent marketing years will be announced by the Secretary.

(12) *Limitation on the size of new farm allotments.* The regulations for flue-cured tobacco currently provide that a new farm allotment shall not exceed 50 percent of the average of the acreage allotments established for similar farms in the community. In many cases, this provision would permit flue-cured tobacco acreage allotments to be established for new farms that would be unreasonably high when compared to the average county or national acreage allotment. This interim rule provides that the maximum flue-cured acreage allotment which may be established for any new farm shall be limited to one acre.

(13) *Penalties for marketing certain tobacco that is ineligible for price support.* Effective for any of the 1983 and subsequent crops of flue-cured tobacco for which marketing quotas are in effect, producers shall be subject to a penalty with respect to any marketings of flue-cured tobacco produced on a farm which is ineligible for price support because the farm operator or other producer on the farm has not agreed to contribute to the No Net Cost Tobacco Fund. The penalty per pound will be equal to 75 percent of the preceding marketing year's average market price per pound for flue-cured tobacco.

(14) *Contributions to the No Net Cost Tobacco Fund by the lessor.* Effective with respect to the 1983 and subsequent crops of flue-cured tobacco, a farm owner must, as a condition of eligibility to lease and transfer marketing quota from the farm, contribute to the No Net Cost Tobacco Fund for each pound of quota leased. The lessor's contribution per pound will be equal to that of other producers who qualify for price support with respect to flue-cured tobacco produced.

(15) *Processing and storing 1982 crop carryover tobacco.* Section 201 of the Act amended section 316(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(a)) to eliminate fall leasing (i.e., leasing during the marketing season) for flue-cured tobacco. Prior to enactment of section 201, producers had planted their crops with the expectation of being able to lease quota to their farm if the production exceeded 110 percent of the effective farm marketing quota. In the absence of a carryover program, many producers would be required to store the excess tobacco on their farms until the next marketing season.

This interim rule authorizes Flue-Cured Tobacco Cooperative Stabilization Corporation to process and store 1982 crop producer carryover

tobacco and to act as the producer's marketing agent in marketing the tobacco in the 1983-84 marketing year. The handling of 1982 crop carryover tobacco is limited to the producer-owned and operated Flue-Cured Tobacco Cooperative Stabilization Corporation to assure that the tobacco will be insulated from commercial trade channels and will not be marketed until the subsequent marketing year.

(16) *Approval of transfers of allotment and quota by lease or sale.* This interim rule provides that if a claim for marketing quota penalty has been filed by ASCS against a lessor or seller, a lease or sale of allotment and quota by such lessor or seller will not be approved by the county committee until such time as the claim is satisfied or the proceeds from the lease or sale are applied against such claim.

List of Subjects in 7 CFR Part 725

Acres allotment, Marketing quota, Penalties, Report requirements, Tobacco.

Interim Rule

PART 725—[AMENDED]

Accordingly, 7 CFR Part 725 is amended as follows:

1. The table of contents is amended by revising or adding the following entries:

- * * * * *
- 725.72 Transfer of tobacco marketing quotas by lease or by sale.
- * * * * *
- 725.74 Forfeiture of allotment and quota.
- * * * * *
- 725.85 Identification of tobacco subject to quota.
- 725.86 Lien for penalty.
- * * * * *
- 725.109 Duties of Kansas City ASCS Field Office.
- * * * * *
- 725.116 [Reserved]

2. The authority citation is revised to read:

Authority: Sec. 301, 313, 314, 316, 316A, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 96 Stat. 205, 79 Stat. 66, as amended, 52 Stat. 63, as amended, 65-66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1301, 1313, 1314, 1314b, 1314b-1, 1314c, 1363, 1372-75, 1377, 1378, Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

3. In § 725.51, the introductory paragraph is revised; paragraphs (a-1), (a-2), (jj-1), and (ll-1) are added; and paragraphs (e-1), (h), (m), (p), (s), and (dd) are revised to read as follows:

§ 725.51 Definitions.

In determining the meaning of the provisions of this subpart, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this title or chapter shall include current and later amendments to the referenced parts. Unless defined in this section the words or phrases defined in § 719.2 of this chapter shall have the same meaning when used in this part.

(a-1) *Active flue-cured tobacco producer.* (1) Any person who shared in the risk of producing a crop of flue-cured tobacco in at least one of the three years preceding the current year, or

(2) Any person who intends to become a flue-cured tobacco producer in the current year by sharing in the risk of producing the crop and who provides a certification of such intention on a form approved by the Deputy Administrator.

(a-2) *Allowable floor sweepings.* The quantity of floor sweepings determined by multiplying 0.0024 times the total producer first sales of flue-cured tobacco at auction for the season for the warehouse involved.

(e-1) *Considered planted credit.* Credit assigned in the current year for an old farm as follows:

(h) *Director.* The Director, or Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(m) *Farm acreage allotment.* The allotment determined in accordance with § 725.58.

(p) *Floor sweepings.* The scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business.

(s) *Leaf account tobacco.* The quantity of tobacco purchased or otherwise acquired by or for the account of a warehouse (except floor sweepings

which accumulate on the warehouse floor), as adjusted by the debits and credits to the buyers corrections account, and including floor sweepings purchased from another warehouse or dealer.

(dd) *Preliminary farm acreage allotment.* The allotment determined in accordance with § 725.56.

(jj-1) *Shared in risk of production.* Involvement in the production of flue-cured tobacco by a person who meets all of the conditions as set forth in either paragraph (jj-1) (1) or (2) of this section:

- (1) *Investing producer.* A person who:
 - (i) Invests in the production of a crop of flue-cured tobacco in an amount which is not less than 20 percent of the proceeds of the sale of the crop;
 - (ii) Depends solely on a share of the proceeds from the marketing of the tobacco for the return on the investment;
 - (iii) Waits until such crop of flue-cured tobacco is marketed to receive any return on the investment; and
 - (iv) Maintains records, for a period of three years after the end of the marketing year in which the tobacco is sold, which may be used to verify that the provisions of paragraph (jj-1)(1) of this section have been met.
- (2) *Lessor.* A person who:
 - (i) Owns a farm having a flue-cured tobacco allotment and quota;
 - (ii) Leases such allotment and quota to another person for use in producing a crop of flue-cured tobacco (the tobacco may be produced on the lessor's farm or on a farm operated by the lessee);
 - (iii) Depends solely on a specified share of the proceeds from the marketing of such crop of flue-cured tobacco (the tobacco which is produced using the leased allotment and quota) for payment of the rental for such allotment and quota;
 - (iv) Waits until such crop of flue-cured tobacco is marketed to receive any payment of the rental for such allotment and quota; and
 - (v) Maintains records, for a period of three years after the end of the marketing year in which the tobacco is sold, which may be used to verify that the provisions of paragraph (jj-1)(2) of this section have been met.

(ll-1) *Tillable cropland.* Cropland (excluding orchards, vineyards, land devoted to trees, and land being prepared for non-agricultural uses) which the county committee determines can be planted to crops without unusual preparation or cultivation.

4. Section 725.56 is revised to read as follows:

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms requiring a determination.* A preliminary farm acreage allotment shall be determined for the current year for each farm which has tobacco history acreage for the base period as determined in accordance with the provisions of § 725.73.

(b) *Preliminary farm acreage allotment.* The preliminary farm acreage allotment shall be the same as the farm acreage allotment established for the preceding year: *Provided*, That in 1983 and at five-year intervals thereafter, the preliminary farm acreage allotment shall be the farm acreage allotment for the preceding year divided by a factor determined by averaging the yields for the county, as determined by the Deputy Administrator, Program Planning and Development, for the most recent five-year period and dividing the result by the average of the yields for the county as determined by the Deputy Administrator, Program Planning and Development, for the five years 1959 through 1963. If the computed factor is outside the range of 1.0000 to 1.3500, the factor shall be increased to 1.0000 or decreased to 1.3500, as applicable: *Provided further*, That in the fifth year of any five-year period beginning with 1983 the factor shall be divided by the factor which resulted from the computation made in accordance with the first proviso of this paragraph for the previous five-year period.

5. In § 725.57, paragraph (a) is revised to read as follows:

§ 725.57 Determination of preliminary farm yields.

(a) *Old farms.* The preliminary farm yield for an old farm for the current year shall be determined as follows:

(1) *Farm having preliminary farm acreage allotment.* The preliminary farm yield established for the farm shall be the same preliminary farm yield as was in effect for the preceding year.

However, for 1983 and at five-year intervals thereafter, the preliminary farm yield shall be the yield determined by multiplying the preliminary farm yield for the farm for the preceding year by the factor which is used in determining preliminary farm acreage allotments, as provided for in § 725.56.

(2) *Farm not having preliminary farm acreage allotment.* The preliminary farm yield shall be determined by dividing the farm yield which is determined in accordance with the provisions of

§ 725.59 by the national yield factor for the current year.

6. Section 725.58 is revised to read as follows:

§ 725.58 Determination of farm acreage allotments and effective farm acreage allotments.

(a) *Farm acreage allotments.* The farm acreage allotment shall be determined by multiplying the national acreage factor as determined by the Secretary for the current year by the preliminary farm acreage allotment for the current year and adjusting the result as follows:

(1) *Upward adjustment.* Add the:
(i) Acreage approved in accordance with the provisions of § 725.66 in order to adjust for an inequity or to correct an error;

(ii) Acreage determined by dividing the pounds of quota which are purchased in the current year by the farm yield; and

(iii) Acreage determined by dividing the pounds of forfeited quota which are approved for adjustment from the forfeiture pool by the farm yield.

(2) *Downward adjustment.* Subtract the:

(i) Acreage determined by dividing the pounds of quota sold in the current year by the farm yield; and

(ii) Acreage of forfeited allotment.

(b) *Effective farm acreage allotment.* The effective farm acreage allotment for the current year shall be determined by dividing the effective farm marketing quota by the farm yield.

7. In § 725.59, paragraph (a) is revised to read as follows:

§ 725.59 Determination of farm yields.

(a) *Old farms.* The farm yield for an old farm shall be:

(1) *Farm with preliminary farm yield.* Determined by multiplying the preliminary farm yield by the national yield factor for the current year.

(2) *Farm without preliminary farm yield.* Determined in the same manner as the farm yield for a new farm as provided in paragraph (b) of this section.

8. Section 725.60 is revised to read as follows:

§ 725.60 Determination of effective farm marketing quotas.

The effective farm marketing quota shall be the farm marketing quota adjusted as follows:

(a) *Upward adjustment.* Add:

(1) The smaller of (i) the undermarketings from the preceding marketing year, or (ii) farm marketing quota for the preceding year plus the pounds of quota which are transferred

to the farm by lease in the preceding year; and

(2) The pounds of quota which are transferred to the farm by lease in the current year.

(b) *Downward adjustment.* Subtract:

(1) The pounds of quota which are overmarketed from the preceding marketing year;

(2) The pounds of quota which are overmarketed from any year before the preceding year which have not been subtracted when determining the effective farm marketing quota in a prior year;

(3) The pounds of quota which are transferred from the farm by lease in the current year; and

(4) The pounds of quota which are reduced in the current year as a result of a violation in a prior year as provided for in § 725.98.

9. In § 725.63 paragraph (b) is revised to read as follows:

§ 725.63 Determination of allotments and yields for divided farms.

(b) *Preliminary farm yields.* The preliminary farm yields for the tracts resulting from a division of a parent farm shall be the same as the preliminary farm yield established for the parent farm: *Provided*, That if the contribution method of division is used and a preliminary farm yield was established for a tract before the tract become a part of the parent farm, the preliminary farm yield shall be the preliminary farm yield established for the tract, as adjusted by the factor(s) applied to the preliminary farm yield of the parent farm, which is determined in accordance with the provisions of § 725.57, after the tract became a part of the parent farm.

10. In § 725.69, the introductory paragraph and paragraph (c)(3) are revised and paragraph (b)(6) is added to read as follows:

§ 725.69 Determination of acreage allotments for new farms.

The acreage allotment for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed the smaller of one acre or 50

percent of the average of the acreage allotments established for not less than two nor more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) ***

(6) *Operator has not sold or forfeited allotment.* During the current or the four preceding years the operator has not sold or forfeited any flue-cured tobacco allotment from any farm.

(c) ***

(3) *Farm includes land formerly having tobacco allotment.* A farm shall not be eligible for a new farm tobacco allotment if, during the current year or the four preceding years: (i) The farm had a tobacco allotment and the owner sold all of the allotment, or (ii) some of the land which comprises the farm was part of an old farm prior to a reconstitution and the owner of the old farm retained no tobacco allotment for such land when the tobacco allotment for the old farm was reconstituted by the designation method of division.

11. Section 725.72 is revised to read as follows:

§ 725.72 Transfer of tobacco marketing quotas by lease or by sale.

(a) *General.* Effective with respect to the 1982 crop year for a lease and to the 1983 crop year for a sale, a flue-cured tobacco marketing quota (including quota which has been pooled in accordance with the provisions of part 719 of this chapter) may be transferred between farms within a county by sale or by lease. A flue-cured marketing quota also may be transferred by lease to a farm in an adjoining county within the same State when the State committee authorizes the county committee to approve the transfer of quota after June 15 if the lessor has suffered a loss of flue-cured tobacco as a result of a flood, hail, wind, tornado, or other natural disaster.

(b) *Sale.* If the transfer is by sale, the transfer shall be based on part or all of the farm poundage quota. The maximum quota that may be transferred is the farm poundage quota.

(c) *Lease.* If the transfer is by lease, the transfer shall be based on a portion or all of the effective farm poundage quota. The maximum quota that may be transferred is the effective farm poundage quota.

(d) *Transfer provisions. (1) Accumulation of quota.* A transfer shall not be approved if the county committee

determines that the primary purpose of the transfer is to accumulate the quota on the farm (i.e., alternately leasing to and from the farm for two or more years to maintain the quota without satisfactory evidence of plans for producing the quota on the receiving farm).

(2) *Subleasing.* In order to determine whether there is any subleasing of an allotment and quota, the current year is divided into two periods, the period up to and including June 15 and the period after June 15. The county committee shall not approve a transfer during either period if the effect would be both a transfer to and from the farm during the same period: *Provided*, That a transfer may be approved within any such period if an allotment and quota is transferred from a farm for one or more years and the farm subsequently is combined with another farm that otherwise is eligible to receive allotment and quota by lease.

(3) *Lessor farm.* A transfer of quota from a farm by lease shall not be approved:

(i) *Purchased and/or reallocated quota.* If the pounds of quota being transferred exceed the difference obtained by subtracting from the effective farm marketing quota the total pounds of quota purchased and/or reallocated from forfeited quota in the current and two preceding years, as adjusted to reflect both changes in county farm yields as provided in § 725.56 and changes in national acreage factors which have occurred since each respective purchase and/or reallocation of quota: *Provided*, That this provision shall not apply to a transfer which is filed after June 15 under the natural disaster provisions of this section.

(ii) *New farm.* If the farm is a new farm.

(iii) *Reduction pending.* If consideration of an indicated violation is pending which may result in an allotment and quota reduction for the farm for the current year. However, if the county committee determines that a decision will not be made on the pending case on or before April 1, a 1-year transfer may be approved.

(iv) *Filed after June 15.* If the transfer agreement is filed after June 15 unless the county committee in the county in which the farm is located for administrative purposes is authorized to permit leasing after June 15 in accordance with the natural disaster provisions of this section and the county committee determines that the:

(a) Farm has suffered a loss of 10 percent or more of the expected production from the acreage of flue-

cured tobacco planted for harvest in the current year.

(b) Producer made reasonable and customary efforts to produce the effective farm marketing quota.

(c) Producers on the farm qualify for price support in accordance with the provisions of Part 1464 of this title.

(v) *Consent of lienholder.* For a multiple year lease if the farm is subject to a lien, unless the lienholder agrees in writing to the transfer.

(vi) *No Net Cost Tobacco Fund contribution.* Unless the contribution required by § 1464.10 of this title is made to the No Net Cost Tobacco Fund, in accordance with instructions issued by the Deputy Administrator.

(vii) *Claim for tobacco marketing quota penalty.* If a claim has been filed against the lessor for a tobacco marketing quota penalty and the claim remains unpaid: *Provided*, That this provision shall not apply if the claim is paid or the entire proceeds of the lease of the allotment and quota are applied against the claim and the county committee determines that the amount paid for the lease represents a reasonable price for the pounds of quota being leased.

(viii) *Forfeiture pending.* To the extent that forfeiture of such allotment and quota is expected to become final before April 15.

(4) *Lessee farm.* A transfer of quota to a farm by lease shall not be approved:

(i) *Tillable cropland limitation.* If the pounds of quota being transferred plus the pounds of quota previously transferred to the farm by lease exceed the difference between the farm marketing quota and one-half the result obtained by multiplying the acres of tillable cropland by the farm yield: *Provided*, That this provision shall not be applicable to a transfer of quota which is filed after June 15 in accordance with the natural disaster provisions of this section.

(ii) *Current allotment.* Unless the farm has a current flue-cured tobacco farm acreage allotment (i.e., old farm or new farm allotment). The effective quota on the farm may be zero pounds before the transfer of quota to the farm.

(iii) *Filed after June 15.* If the transfer agreement is filed after June 15:

(a) Unless the producers on the farm qualify for price support under the provisions of Part 1464 of this title; and

(b) The pounds of quota to be transferred to the lessee farm exceed the difference obtained by subtracting the effective farm marketing quota (before the filing of the transfer agreement) for the lessee farm from the total pounds of tobacco marketed and/or available for

marketing (based on estimated pounds of tobacco on hand and/or in the process of being produced) from the farm in the current year.

(5) *Selling farm.* A transfer of quota from a farm by sale shall not be approved:

(i) *Previous purchases and/or reallocated quota.* If the farm marketing quota includes quota that was bought, and/or reallocated from quota which has been forfeited and the purchase and/or reallocation became effective during the current year or in the four preceding years: *Provided*, That this provision shall not be applicable if the quota being sold was purchased in such period, if forfeiture of such quota may be required by § 725.74, and if the pounds of quota being transferred do not exceed the pounds of quota for which forfeiture otherwise is required in accordance with the provisions of § 725.74 (c) and (d).

(ii) *Reduction pending.* If consideration of an indicated violation is pending which may result in an allotment and quota reduction for the farm for the current year. However, if the county committee determines that a decision will not be made on the pending case on or before April 1, a transfer may be approved.

(iii) *Forfeiture pending.* If the agreement for transfer by sale is filed subsequent to the final date which is permitted for the sale of the allotment and quota in order to prevent forfeiture.

(iv) *Consent of lienholder.* If the farm is subject to a lien unless the lienholder agrees in writing to the transfer: *Provided*, That consent of a lienholder is not required for a transfer of the pounds of quota for which forfeiture otherwise is required in accordance with the provisions of § 725.74 (c) and (d).

(v) *Claim for tobacco marketing quota penalty.* If a claim has been filed against the seller for a tobacco marketing quota penalty and the claim remains unpaid: *Provided*, That this provision shall not be applicable if the claim for such penalty is paid or the entire proceeds of the sale of the allotment and quota are applied against the claim and the county committee determines that the amount paid represents a reasonable selling price for the pounds of quota being sold.

(6) *Buying farm.* A transfer of quota to a farm by purchase shall not be approved:

(i) *Active producer.* Unless the buyer is an active flue-cured tobacco producer.

(ii) *Tillable cropland limitation.* If the sum of the pounds of quota being transferred, plus the pounds of quota previously transferred to the farm in the current year by lease, exceeds the difference between the farm marketing

quota and one-half the result obtained by multiplying the acres of tillable cropland by the farm yield.

(iii) *Quota previously sold.* If the farm owner sold quota from the farm during the current or any of the four preceding years or two years if such sale was to prevent a forfeiture of the quota.

(e) *Transfer agreement.* In order for a transfer of allotment and quota by lease or sale to be approved in the current year the transfer must be:

(1) *Form.* Recorded on Form ASCS-375.

(2) *Signatures.* Agreed upon and signed by:

(i) *Lease.* The owner of the transferring farm and the owner or operator of the receiving farm.

(ii) *Sale.* The owner of the selling farm and an active flue-cured tobacco producer who is the buyer. If the buyer is neither owner or operator of the farm to which the allotment and quota will be assigned, the owner or operator of the farm must give written consent for the allotment and quota to be assigned to the farm.

(3) *Where to file.* Filed in the county ASCS office which serves the county in which the transferring farm is located for administrative purposes.

(4) *When to file.* Filed on or before:

(i) *Lease.* April 15: *Provided*, That a transfer agreement filed on or before June 15 may be considered to have been filed on April 15 if the county committee, with concurrence of the State committee, determines that on or before April 15 the lessee and lessor agreed to transfer the quota but the transfer agreement was not filed timely as the result of conditions beyond the control of either the lessee or lessor: *Provided further*, That a transfer may be approved if the transfer agreement is filed on or before November 15 in accordance with the natural disaster provisions of this section.

(ii) *Sale.* June 15.

(f) *Period of lease.* A transfer by lease may be for a period of one to five years: *Provided*, That the lease shall be limited to one year if the transfer agreement is filed after June 15 in accordance with the natural disaster provisions of this section.

(g) *Compliance statement for lease.* Only the lessor and lessee (or the lessor or lessee and any attorney, trustee, bank, or other agent or representative, who regularly represents either the lessor or lessee in business transactions unrelated to the production or marketing of tobacco) may be parties to, or involved in the arrangements for, a transfer of flue-cured tobacco allotment and quota. In order for a transfer of allotment and quota by lease to be valid,

both the lessor and the lessee shall file a statement, on a form approved by the Deputy Administrator, in the county ASCS office of the county in which the lease is filed certifying that the lease is in compliance with the provisions in this section. If, after the lease agreement is approved, information is brought to the attention of the county committee which indicates that either the lessor or the lessee, or both, knowingly filed a false certification, the county committee shall schedule a hearing and notify such person of the time and place of the hearing, and afford such person an opportunity to be present and present evidence at the hearing with respect to the allegation of a false certification. If, as a result of the evidence presented, the county committee determines that such person knowingly made a false certification, the county committee shall notify the person of the determination and afford such person 15 days after mailing of the notice to request a review of the determination by a review committee as provided by Part 711 of this chapter. If it is determined that a lessor knowingly made a false certification, the following shall occur:

(1) *Lessor.* The next flue-cured tobacco allotment established for the lessor farm shall be reduced by that percentage which the leased quota was of the flue-cured tobacco farm marketing quota for the farm in the year of the lease.

(2) *Lessee.* The lessee shall be ineligible for price support and a "No Price Support" marketing card shall be issued for the farm for marketing the current year crop of flue-cured tobacco which is marketed after the determination is made: *Provided*, That a "No Price Support" marketing card shall be issued in a year subsequent to the first year such card is issued if the cumulative pounds of tobacco marketed with the "No Price Support" marketing card are less than the pounds leased as the result of a false certification: *Provided further*, That after the cumulative marketings identified with the "No Price Support" marketing card issued for the farm are equal to or greater than the pounds leased as a result of a false certification, the marketing card may be exchanged at the county ASCS office for a marketing card without such notation if the farm and producer are otherwise eligible for price support.

(h) *Approval or disapproval of a transfer agreement.* The county committee shall approve or disapprove each transfer agreement. The county committee shall approve each transfer agreement which meets the eligibility

conditions as set forth in this section: *Provided*, That the county committee may delegate authority to the county executive director or other county office employee to act on behalf of the county committee and approve a transfer agreement which meets the eligibility conditions as set forth in this section. Such delegation of authority may authorize the county executive director or county office employee to approve any transfer agreement or the delegation of authority may be limited to approval of either transfers by lease or transfers by sale. Only the county committee shall disapprove a transfer agreement.

(1) *Time for determination.* Any approval or disapproval by the county committee of a transfer agreement should be made within 30 days after the transfer agreement is filed with the county committee unless additional time is required as the result of conditions beyond the control of the county committee. However, if an agreement is filed after June 15 which provides for the sale of an allotment and quota, a transfer agreement shall not be approved until the next year's allotment and quota is computed for the selling farm. In addition, if a marketing quota referendum will be conducted to determine whether or not quotas will be in effect for the crop, a transfer agreement shall not be approved until the Secretary announces that quotas have been approved by referendum.

(2) *Effective date.* An approved transfer agreement shall become effective during the current crop year, except that if an agreement to sell an allotment and quota is filed after June 15 of the current year, such agreement shall become effective for the next crop year.

(i) *Allotment and quota after transfer by lease.* The effective farm marketing quota and the effective farm acreage allotment shall be determined for both the lessee farm and the lessor farm in accordance with the provisions of §§ 725.58 and 725.60.

(j) *Apportionment of data and determination of allotment and quota after transfer of quota by sale.*—(1) *Apportionment of data for the selling farm.* The pounds of farm marketing quota retained on the selling farm after the sale of quota shall be divided by the farm marketing quota established for the selling farm before the sale to determine a factor for apportioning farm data for the current year and for the base period. The data to be retained on the selling farm shall be determined by multiplying the factor by the following data:

(i) The planted and considered planted acres for the base period;

(ii) The history acres for the base period;

(iii) The farm acreage allotment for the current year and for the base period;

(iv) The amount of any overmarketings which have not been subtracted when a determination is made of the effective farm marketing quota of the selling farm;

(v) The pounds of quota which have been transferred from the selling farm by lease in the current year;

(vi) The acres of allotment which have been reduced in the current year as the result of a marketing quota violation in a prior year;

(vii) The pounds of quota transferred to the farm by lease in the previous year;

(viii) The previous year's farm marketing quota;

(ix) The previous year's effective farm marketing quota; and

(x) The previous year's marketings.

(2) *Apportionment of data for the buying farm.* The pounds of farm marketing quota which have been purchased shall be divided by the farm yield for the buying farm in order to determine the farm acreage allotment for the buying farm. The buying farm's share of other farm data shall be determined by subtracting the acres or pounds, as applicable, which are retained on the selling farm from the acres or pounds which were established for the selling farm before the current sale of quota: *Provided*, That the acres computed for the acres of reduction resulting from a marketing quota violation for the buying farm shall be multiplied by a factor determined by dividing the farm yield of the selling farm by the farm yield of the buying farm in order to determine the acres of reduction from the buying farm for the current year: *Provided further*, That the pounds of quota transferred from the selling farm by lease and/or the acres of allotment reduction resulting from a marketing quota violation on the selling farm may be apportioned between the farms in accordance with a written agreement between the buyer and the seller if the farm marketing quota retained on the selling farm is sufficient to satisfy the pounds of quota which are leased, the pounds of quota which have been reduced as the result of a marketing quota violation, and the overmarketings for the farm, if any. The data determined in accordance with this paragraph shall be added to any previous data for the buying farm.

(3) *Allotment and quota.* After adjusting the data in accordance with the provisions of this section, the farm acreage allotment, the effective farm acreage allotment, and the effective farm marketing quota shall be determined in accordance with

§§ 725.58 and 725.60 for both the buying farm and the selling farm.

(k) *Effect on price support eligibility.* If a lease agreement is filed after the farm operator reports the acreage of tobacco on the farm in the current year, the effective farm acreage allotment which has been determined prior to the approval of the transfer will be used in determining price support eligibility for the farm.

(l) *Natural disaster.*—(1) *State committee authorization.* Notwithstanding any other provision of this section, the State committee may authorize the county committee to approve a transfer of quota by lease which is filed after June 15 if:

(i) *County committee determination.* The county committee of the county in which the lessor farm is located determines that as a result of drought, hail, wind, excessive rain, tornado, or other natural disaster, the county has suffered a loss of 10 percent or more of the expected yield from the acreage of flue-cured tobacco planted for harvest in the current year and the State committee concurs in such determination.

(ii) *County committee recommendation.* The county committee of the county in which a natural disaster loss occurred recommends to the State committee that the county committee be authorized to approve a transfer of a quota by lease when filed after June 15, if the agreement otherwise complies with the provisions of this section.

(iii) *Tobacco program not impaired by transfer.* The State committee determines that transfer of quota after June 15 will not impair the effective operation of the tobacco marketing quota or price support program.

(2) *Eligible farms.* In any county for which a transfer of quota is authorized after June 15 because of disaster conditions, a lessor farm may transfer quota by lease after June 15 to a lessee farm in the same county or in an adjoining county within the State if such farms otherwise meet the eligibility requirements specified in this section.

(3) *Adjoining county.* As used in this section, the phrase "adjoining county" means a county having a common border with another county in the same State if such common border is more than the point at which intersecting lines meet.

(m) *Carryover tobacco.* If tobacco is marketed after the entire farm marketing quota of the producing farm has been transferred by sale, the tobacco shall be considered as having been marketed on each farm to which farm marketing quota was transferred by sale in accordance with a transfer agreement

filed after June 15 of the last year in which a farm marketing quota was established for the producing farm. Such marketing shall be prorated to each farm in proportion to the pounds of farm poundage quota purchased by each farm. If there was more than one farm to which a farm marketing quota was transferred by sale, the marketing quota may be assigned to the farms in the manner agreed to in writing by each of the buyers of such farm marketing quota.

(n) *Farm division after transfer by lease.* If a farm is divided after there has been a transfer of a marketing quota to the farm by lease, the transferred quota shall be divided in the manner which is designated in writing by the lessee. In the absence of a written designation, the leased quota shall be apportioned in the same manner as the farm acreage allotment of the parent farm.

(o) *Multiple year lease.* (1) The acreage allotment and/or marketing quota on the lessee farm having a multiple-year lease shall be adjusted for each year for which a transfer agreement is in effect to reflect any change in the farm yield or to reflect any decrease in the national acreage factor which causes the farm marketing quota established for the lessor farm to be less than the pounds of quota which have been transferred to the lessee farm.

(2) Notwithstanding any other provisions of this section, a previously approved multiple-year lease shall not be effective in the current year unless the contribution required by § 1464.10 of this title to the No Net Cost Tobacco Fund is made for the current year in accordance with instructions issued by the Deputy Administrator.

(p) *Cancellation of transfer.* (1) A transfer of allotment and quota under this section which was approved in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee. For the purpose of determining any overmarketings and undermarketings from the farms, and for the purpose of determining eligibility for price support and marketing quota penalties, the cancellation shall be effective as of the date of approval. However, such cancellation shall not be effective for the current marketing year for price support and marketing quota penalties purposes if: (i) The transfer approval was made in error or on the basis of incorrect information which had been unknowingly furnished by the parties to the agreement; and (ii) the parties to the transfer agreement were not notified of the cancellation before the marketing for the receiving farm exceeded the correct effective farm

marketing quota. The provisions of this paragraph shall not preclude any application of the provisions with respect to erroneous notice which are set forth in § 725.70.

(2) If a transfer of an allotment and quota is canceled because of fraud on the part of the owner of the transferring farm but no fraud is attributable to either the owner or operator of the receiving farm, such cancellation shall be effective as of the date of approval of the transfer except for purposes of determining eligibility for price support and marketing quota penalties for the receiving farm. In such case, the overmarketings shall be charged against the farm from which the transfer of allotment and quota was made if the farm, after any reconstitution which may be necessary as a result of the fraud, is assigned an allotment and quota against which the overmarketings could be charged. Otherwise, the overmarketings shall be charged against any other farm involved in the fraud having an allotment and quota after any reconstitution required by such fraud. Notwithstanding the foregoing, any overmarketings on the receiving farm which are in excess of the amount of quota involved in the canceled transfer shall be charged against the receiving farm.

(q) *Dissolution or revision of a transfer agreement.* A transfer agreement may be dissolved or minor revisions made with respect to such agreement if a written request by all parties to the agreement is made to the county committee by November 15 of the current crop year. After any such dissolution or revision of a transfer agreement, an official notice of the acreage allotment and marketing quota shall be issued by the county committee to each of the operators involved in the transfer agreement. If a request to dissolve or revise a multiple-year lease is made after November 15 of the current crop year, but before the last crop year for which the transfer agreement is effective, the next allotments and quotas established for the farms shall reflect the dissolution or revision.

(r) *Considered planted credit—lessor farm.* Considered planted credit shall be given to the lessor farm for the tobacco acreage allotment which is deducted as the result of the transfer of quota from the farm by lease.

12. In § 725.73, paragraph (c) is added to read as follows:

§ 725.73 Determining tobacco history acreages.

* * * * *

(c) *History acreage reduced to zero.* Notwithstanding any other provisions of this section, the history acres for the current year and for each year of the base period shall be reduced to zero if:

(1) A new farm allotment was canceled;

(2) The allotment was in a pool established in accordance with the eminent domain provisions of Part 719 of this chapter and the period of eligibility to transfer the allotment from the pool has expired; or

(3) The county committee determines that the farm has been retired from agricultural production and the allotment is not eligible for pooling in accordance with the eminent domain provisions of Part 719 of this chapter.

13. Section 725.74 is revised to read as follows:

§ 725.74 Forfeiture of allotment and quota.

(a) *Determination of allotment and quota subject to forfeiture.* (1) For purposes of paragraphs (b) and (c) of this section, the phrase "owns a farm" means ownership of:

(i) A farm as constituted under Part 719 of this chapter if the entire farm shares a common ownership; or

(ii) All of the land within a farm which shares common ownership (commonly referred to as a "tract") if the parent farm consists of separate ownership tracts of land.

(2) For purposes of paragraphs (b) and (c) of this section, the county committee shall apportion, in accordance with the provisions of Part 719 of this chapter, the flue-cured tobacco allotment and quota assigned to a farm between the various tracts of land which are separately owned by:

(i) A person which is not significantly involved in the management or use of land for agricultural purposes, as may be described in paragraph (b) of this section.

(ii) An individual, or owned by a person which is significantly involved in the management or use of land for agricultural purposes.

(3) An allotment and quota shall be determined for a tract under paragraph (a)(2)(ii) of this section only to the extent that records are available to show the contribution which the tract made to the flue-cured tobacco allotment of the parent farm.

(4) The farm acreage allotment and farm marketing quota determined under this section for each farm or tract, as applicable, will be the amount of allotment and quota subject to forfeiture under this section.

(b) [Reserved.]

(c) *Flue-cured tobacco farm acreage allotment exceeds 50 percent of tillable cropland.* If any person owns a farm for which the flue-cured tobacco farm acreage allotment assigned to the land owned by the person exceeds 50 percent of the tillable cropland on such farm, the person shall take steps, such as the sale of allotment, the purchase of tillable cropland, or conversion of land to tillable cropland status, which will result in elimination of the excess or the person shall forfeit flue-cured tobacco farm acreage allotment equal to the amount of such excess that remains on or after:

(1) *Farm owned on or before December 1, 1983.* December 1, 1983: *Provided,* That if the farm is acquired after September 1, 1983 the date may be extended by the county committee to July 1, 1984 if before December 1, 1983 the owner requests such extension in writing.

(2) *Farm acquired after December 1, 1983.* July 1 of the year after the year of acquisition.

(3) *Farm includes purchased allotment.* Notwithstanding the provisions of paragraphs (c) (1) and (2) of this section, if the flue-cured tobacco farm acreage allotment includes acreage of purchased allotment and the flue-cured tobacco farm acreage allotment exceeds 50 percent of the tillable cropland because the owner disposed of an acreage of tillable cropland after purchasing the allotment, the forfeiture shall not take place until July 1 of the year after the year of such disposal.

(4) *Increase in allotment resulting from changes in county yields or change in national acreage factor.* July 1 of the year after the crop year for which the change(s) become effective.

(d) *Buyer of allotment fails to share in risk of production.*—(1) *Forfeiture required.* If any person buys a flue-cured acreage allotment and quota under the provisions of § 725.72 and such person fails to share in the risk of producing the tobacco which was planted under such allotment and quota during any of the five crop years beginning with the crop year for which the purchase became effective, such person shall forfeit the purchased allotment and quota which is not sold on or before December 31 of the year after the crop year in which such crop was planted.

(2) *Failure to utilize purchased allotment and quota.* Failure to utilize purchased allotment and quota shall not subject such allotment and quota to forfeiture, but the five year period of paragraph (d)(1) of this section shall be extended one year for each year in which the allotment and quota is not utilized.

(3) *Reduction for failure to share in risk of production.* The effective allotment and quota shall be reduced, but not below zero acres or pounds, for planting, leasing, and marketing quota purposes only, to the extent of purchased allotment and quota for each crop year after the crop year in which the buyer of such allotment and quota fails to share in the risk of producing a crop of tobacco planted under such allotment and quota.

(4) *Determining forfeited amount.* If only part of the allotment and quota on a farm resulted from purchased allotment and quota, the amount of farm marketing quota which must be forfeited under paragraph (d) of this section shall be determined by:

(i) Increasing or decreasing each respective purchase of farm acreage allotment for the farm to reflect changes in county farm yields as provided in § 725.56 and changes in national acreage factors.

(ii) Adding the amounts determined in paragraph (d)(4)(i) of this section, multiplying the result by the farm yield for the farm, and subtracting the pounds of quota which have been sold to prevent forfeiture.

(e) *Hearing.* Before any forfeiture of allotment and quota becomes effective under the provisions of this section, the county committee shall:

(1) Schedule a hearing for the affected person.

(2) Notify the affected person of the hearing at least 10 days in advance of the hearing.

(3) Make a determination, on the basis of the evidence presented at the hearing, as to whether or not the affected person knowingly failed to take steps to prevent forfeiture of allotment and quota.

(4) Notify the affected person of the county committee determination and, if forfeiture of allotment and quota is to be required, afford such person an opportunity to appeal to a review committee under the provision of Part 711 of this chapter.

(5) Wait until the period has passed for the affected person to appeal the county committee or review committee determination that allotment and quota must be forfeited under the provisions of this section.

(f) *Apportionment of data and determination of allotment and quota after forfeiture.*—(1) *Apportionment of data.* The pounds of farm marketing quota retained on the forfeiting farm after the forfeiture shall be divided by the farm marketing quota established for the forfeiting farm before the forfeiture to determine a factor for apportioning farm data for the current year and for the base period. The data to be retained

on the forfeiting farm shall be determined by multiplying the factor by the following data of the forfeiting farm:

(i) The planted and considered planted acres for the base period.

(ii) The history acres for the base period.

(iii) The farm acreage allotment for the base period.

(iv) The overmarketings which have not been subtracted when determining the effective farm marketing quota of the forfeiting farm.

(v) The pounds of quota transferred from the forfeiting farm by lease in the current year.

(vi) The acres of allotment reduced in the current year for a marketing quota violation in a prior year.

(vii) The previous year's effective farm marketing quota.

(viii) The previous year's marketings.

(ix) The previous year's farm marketing quota.

(x) The pounds of quota transferred to the farm by lease in the previous year.

The portion of the forfeiting farm data which shall be included in a forfeiture pool for the county shall be determined by subtracting the acres of pounds which are retained on the forfeiting farm from the acres or pounds established for the forfeiting farm before the forfeiture.

(2) *Forfeiture pool data.* The data for the forfeiture pool shall be added to any previous data in the forfeiture pool.

(3) *Allotment and quota after forfeiture.* After adjustment of data, the farm acreage allotment, the effective farm acreage allotment and the effective farm marketing quota shall be determined according to §§ 725.58 and 725.60 for the forfeiting farm.

(g) *Forfeiture pool.* (1) *Forfeiture pool required.* A forfeiture pool shall be established in each county in which a forfeiture of allotment and quota occurs. The forfeiture pool shall be increased to include data for each forfeiture and shall be decreased for each reallocation so as to reflect forfeiture or reallocated amounts of:

(i) The farm acreage allotment for the current year and for the base period.

(ii) The farm marketing quota for the current year and for the base period.

(iii) The acres reduced for violation.

(iv) The quota transferred from the forfeiting farm by lease.

(v) The planted and considered planted acres for the base period.

(vi) The history acres for base period.

(vii) The previous year's effective farm marketing quota.

(viii) The previous year's marketings.

(2) *Farm yield for forfeiture pool.* For each year, the farm yield for the forfeiture pool shall be determined by

dividing the farm marketing quota in the forfeiture pool by the farm acreage allotment in the forfeiture pool. The preliminary farm yield for the forfeiture pool shall be determined by dividing the farm yield by the national yield factor.

(3) *Adjustment of data in forfeiture pool.* At the beginning of the current year, the data in the forfeiture pool shall be adjusted by the factors used in determining yields, allotments, and quotas for old farms. Acreage and quota data in the forfeiture pool shall be decreased each time quota is reallocated from the forfeiture pool, such decrease to be made in the same proportion as the pounds of quota reallocated from the pool are to the pounds of quota in the pool before the reallocation.

(h) *Reallocation of allotment and quota from forfeiture pool.*—(1) *Application.* In order to establish eligibility to receive allotment and quota from the forfeiture pool in the current year, an application must be made on a form approved by the Deputy Administrator. Such application must be filed:

(i) *Who may file.* By an active producer.

(ii) *When to file.* On or before March 31: *Provided,* That the State committee may establish an earlier date if notice is given to such earlier date in time for interested applicants to file by such date.

(iii) *Where to file.* At the county ASCS office which serves the farm for which the application is filed.

(2) *Eligibility of applicant.* In order for an applicant to be eligible for allotment and quota from the forfeiture pool the county committee must determine that:

(i) The application was filed timely.

(ii) The applicant is an active producer.

(iii) During the current year or during the four years preceding the current year the applicant has not:

(a) Sold or forfeited allotment and quota from any farm.

(b) Used the designation method of division to retain less allotment than the farm would have retained by another method of division.

(3) *Time to reallocate.* The county committee shall:

(i) Not reallocate any allotment and quota from the forfeiture pool until the time has passed for filing an application for forfeited allotment and quota for the current year.

(ii) Reallocate any allotment and quota from the forfeiture pool only during the 30-day period beginning on the day after the final date for filing an application for allotment and quota from the forfeiture pool.

(4) *Reallocation by county committee.* Reallocation of any allotment and quota shall be by the county committee. In making its determination of the amounts to reallocate, the county committee may consider the size of the current allotments on the farms of the eligible applicants, the length of time the applicants have been farming tobacco, the type of farming done by the applicants, (i.e., livestock, grain, or other commodities), previous leasing history of applicant, and other factors which in the judgment of the county committee should be considered. Allotment and quota may be reallocated to a farm which currently does not have a flue-cured tobacco allotment. A factor shall not be used to reallocate allotment and quota between all eligible applicants.

(5) *Basis for reallocation from forfeiture pool.* Reallocation from the forfeiture pool shall be on the basis of pounds of farm marketing quota.

(6) *Amount of quota to reallocate.* The county committee may reallocate all or part of the quota in the forfeiture pool. The minimum and maximum amounts of quota which may be reallocated to an eligible applicant are:

(i) *Minimum.* The total amount of quota in the pool or 200 pounds, whichever is less.

(ii) *Maximum.* 1,000 pounds: *Provided,* That with State committee approval up to 2,500 pounds may be reallocated.

(7) *Data for receiving farm.* All quota data for the forfeiture pool shall be apportioned to the receiving farm in the proportion that the reallocated farm marketing quota is to the total farm marketing quota in the forfeiture pool before the reallocation. The pounds of farm marketing quota reallocated to a farm shall be divided by the farm yield for the farm to determine the amount of reallocated farm acreage allotment. The data determined for the receiving farm in accordance with the provisions in this paragraph shall be added to any previous data for the receiving farm.

(8) *Allotment and quota for receiving farm.* After any adjustments which are made in accordance with the provisions of this section, the farm acreage allotment, the effective farm acreage allotment, and the effective farm marketing quota shall be determined for the receiving farm in accordance with §§ 725.58 and 725.60.

(i) *Forfeiture of reallocated allotment and quota.* Allotment and quota which is reallocated to a farm under the provisions of this section shall be forfeited if the applicant to whom the allotment and quota is reallocated fails to share in the risk of production of tobacco produced under such allotment and quota during any of the five years

beginning with the crop year during which the allotment and quota is reallocated. The amount of farm marketing quota which must be forfeited shall be determined in the same manner as is provided in paragraph (d)(4) of this section for forfeiture of purchased quota. Forfeiture shall occur on December 1 of the year in which the applicant fails to share in the risk of production of tobacco produced under such allotment and quota: *Provided,* That while the failure to utilize such allotment and quota shall not subject such allotment and quota to forfeiture, the five year period, as provided for in this paragraph, shall be extended by a year for each year in which the allotment and quota is not utilized.

(j) *Successor-in-interest.* The successor-in-interest shall be subject to the provisions in this section in the same manner and to the same extent as would be applicable to the person whose interest was assumed.

(1) *New owner of farm.* The new owner of a farm on which a portion or all of the farm acreage allotment and farm marketing quota was purchased shall become the successor-in-interest to the buyer of the allotment and quota.

(2) *Buyer no longer shares in risk of production.* The owner of a farm shall become the successor-in-interest to the buyer of allotment and quota which was transferred to a farm which was not owned by such buyer if the buyer ceases to share in the risk of production of tobacco produced on the farm.

14. Section 725.86 is added to read as follows:

§ 725.86 Lien for penalty.

(a) *Lien on tobacco.* Until the amount of any penalty which is imposed in accordance with section 314 of the Act (7 U.S.C. 1314) is paid, a lien on the tobacco with respect to which such penalty is incurred, and on any other tobacco which is marketed in the same or a subsequent marketing year which is subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall exist in favor of the United States for the amount of the penalty.

(b) *Lien precedence.* The lien on any other tobacco attaches at the time the debt is entered on a debt record in:

(1) *Indebted producers.* The county ASCS office for the county in which a subsequent crop of tobacco is grown.

(2) *Indebted warehouseman.* The State ASCS office for the State in which the warehouse is located.

(3) *Indebted dealer.* The State ASCS Office for the State to which the dealer is required to file reports.

(c) *List of tobacco marketing penalty debts.* Each county and State ASCS office shall maintain a list of tobacco marketing penalty debts which have been entered on the debt record for the respective office. The list shall be available for examination upon written request by any interested person.

15. In § 725.87, paragraph (d) is revised to read as follows:

§ 725.87 **Issuance of marketing cards.**

(d) *"No Price Support."* The notation "No Price Support" shall be entered on each marketing card issued for the use of:

(1) *Farm.* Any producer on the farm if the producers on the farm are ineligible for price support under the provisions of Part 1464 of this title.

(2) *Producer.* A producer on a farm if the producer is ineligible for price support under the provisions of Part 1464 of this title.

16. In § 725.88, paragraph (a) is revised to read as follows:

§ 725.88 **Claim stamping and replacing marketing cards.**

(a) *Claim stamping.* If a person is indebted to the United States and such indebtedness has been recorded on the county debt record, any marketing card issued for the farm on which the person has a producer interest shall bear the notation "U.S. Claim" followed by the amount of the indebtedness. The name of the debtor-producer, if different from the farm operator, shall be recorded directly under the claim notation. The notation "TMQ" indicating tobacco marketing quota as the type of indebtedness shall constitute notice to any buyer that until the amount of penalty is paid, the United States has a lien with respect to any crop of tobacco in which the debtor-producer has an interest. A claim notation other than "TMQ" shall constitute notice to any buyer that subject to prior liens, the net proceeds from any tobacco placed under price support loan shall be paid to the "Agricultural Stabilization and Conservation Service, USDA" to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notation and information concerning an indebtedness to the United States shall not constitute a waiver by the debtor-producer of any right to contest the validity of such indebtedness by appropriate appeal. As claim collections are made, the amount of the claim shown on the card shall be revised to show the claim balance. If requested by the producer, the county executive director who issued the

marketing card shall issue a claim-free marketing card when the claim has been paid.

17. In § 725.94, paragraph (c) is amended by removing the second sentence and a new paragraph (h) is added to read as follows:

§ 725.94 **Penalties considered to be due from warehousemen, dealers, buyers, and others excluding producers.**

(h) *Floor sweepings.* Effective for the 1982 and subsequent crops of tobacco, any person who markets floor sweepings in excess of allowable floor sweepings shall be subject to a civil penalty of 150 percent of the average market price, as specified in § 725.92, for the immediately preceding marketing year. The calculated penalty rate shall be rounded to the nearest whole cent. Any floor sweepings on hand more than 15 days after the warehouse closes for the auction season shall be considered as marketed. The floor sweepings on hand shall be weighed by the warehouseman and the weight shall be certified by the warehouseman, such weighing to be done in the presence of a representative of either the county committee or the State committee. Floor sweepings which are destroyed in the presence of a representative of the county committee within 15 days after the warehouse closes for the season shall not be considered as marketed when determining the quantity of floor sweepings marketed. If the county committee determines, after the warehouse has been closed for the auction season for more than 15 days, that the cumulative quantity of floor sweepings marketed and considered marketed in the current marketing year is in excess of the allowable floor sweepings, the person responsible for such marketings shall be given notice of the determination and shall be afforded an opportunity to request reconsideration of such determination in accordance with the provisions of Part 780 of this chapter. A determination that a civil penalty is due for marketing floor sweepings in excess of the allowable floor sweepings shall not become final and shall not be assessed until such person has been afforded an opportunity to a hearing and such person has exhausted the applicable administrative remedies. The notice of assessment shall require such person to pay the civil penalty to the "Agricultural Stabilization and Conservation Service, USDA" within 15 days after the date of mailing of the notice.

18. In § 725.95, paragraph (d) is corrected by removing "(c)" in the first

sentence after the proviso and inserting "(d)" in its place, and paragraph (f) is added to read as follows:

§ 725.95 **Producer penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.**

(f) *Ineligible for price support.* Effective for the 1983 and subsequent crops, a penalty at the basic rate as specified in § 725.92 for the current marketing year shall be assessed on any marketings of flue-cured tobacco by any producer on a farm if such producer is ineligible for price support because the farm operator or other producer on the farm has not agreed to make contribution to the No Net Cost Fund as provided in Part 1464 of this title.

19. In § 725.98, paragraph (g) is amended by removing the word "effective" from the first sentence, paragraph (n) is revised, and paragraph (p) is added to read as follows:

§ 725.98 **Producer's records and reports.**

(n) *Correction of farm records.* If the farm marketing records for a farm are determined to be incorrect, the records shall be corrected.

(p) *Effect of false identification on establishing future farm marketing quotas.* Notwithstanding any other provision of this section, if a producer falsely identifies tobacco as having been produced on or marketed from a farm, the quantity of the tobacco which is falsely identified shall be considered, for the purpose of establishing future farm marketing quotas, as having been produced on both the farm for which it was identified as having been produced and the farm of actual production, if known, or, as the case may be, such quantity of tobacco shall be considered as actually marketed from the farm.

20. In § 725.99, paragraph (a)(4)(xvii) is amended by removing the words "Data Systems Field Office (DSFO)" and inserting, in their place, the words "Kansas City Field Office (KCFO)"; paragraph (d)(2) is amended by removing "DSFO" and inserting, in its place, "KCFO"; and paragraphs (g)(12) and (k) are revised to read as follows:

§ 725.99 **Warehouseman's records and reports.**

(12) The totals of the resales column on Form MQ-79 representing the nonauction resales (including floor

sweepings nonauction sales) by the warehouse.

(k) *Basket ticket and bill-out invoice.* At the time tobacco is weighed for marketing, the warehouseman shall record the weight of the basket or sheet of tobacco on the tobacco sale bill and on the basket ticket. The sale bill number on which the basket or sheet of tobacco is recorded shall be recorded on the basket ticket. If the marketing card which is presented to identify the tobacco at weigh-in bears the notation "No Price Support", the same notation shall be entered by the warehouseman on the basket ticket for each basket or sheet of tobacco which is identified with the same marketing card. When the tobacco has been sold at auction, the bill-out invoice to the buyer shall include the warehouse registration number (warehouse code), sale bill number, and line number on which the basket or sheet of tobacco was recorded on the sale bill.

21. In § 725.100, paragraphs (a), (b), (c)(1), (c)(2) and (c)(3) are revised and paragraph (c)(7) is added to read as follows:

§ 725.100 Dealer's records and reports.

(a) *Record of marketings.* A dealer shall keep records which provide the following information for each lot of tobacco, including scrap tobacco, purchased or sold by the dealer:

- (1) *Purchases.* (i) The name of:
 - (a) The warehouse through which the tobacco was purchased, if purchased at a warehouse auction; or
 - (b) The operator of the farm on which the tobacco was produced, if purchased from a producer as a nonauction purchase, and the name of the producer of the tobacco, if different from the operator; or
 - (c) The seller if purchased as a nonauction purchase from a warehouseman or dealer.
- (ii) The identification number of the warehouse, farm, or dealer, as applicable, at/from which the tobacco was purchased.
- (iii) The address, FC number if known, and percentage share of the proceeds of the farm operator and any other producer from whom tobacco was purchased as a nonauction purchase.
- (iv) The date of purchase.
- (v) The pounds of tobacco purchased.
- (vi) The gross purchase price.
- (vii) The amount of penalty.
- (viii) The amount deducted for the "No Net Cost Tobacco Fund".

(ix) The quantity of tobacco purchased from a prior crop and carried over for marketing in a subsequent crop year.

(2) *Sales.* (i) The name and identification number of:

(a) The warehouse through which the tobacco was sold, if sold at a warehouse auction, or

(b) The buyer if the tobacco was sold as a nonauction sale.

(ii) The date of sale.

(iii) The pounds of tobacco sold.

(iv) The gross sale price.

(b) *Nonauction purchase.* Each purchase of tobacco from a flue-cured tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless an AMS inspection certificate is obtained prior to purchase which shows that the tobacco being offered for sale is a kind of tobacco which is not subject to marketing quotas.

(1) After each nonauction purchase, the dealer shall enter a declining balance of "110 percent of quota" on the reverse side of the marketing card. The declining balance shall be determined by reducing the previous "110 percent of quota" entry on the marketing card by the number of pounds of tobacco purchased. The date the tobacco was purchased also shall be entered on the marketing card at the time each lot of tobacco is purchased.

(2) After each nonauction purchase, the dealer shall prepare a Form MQ-72-2 which shall set forth the following:

- (i) The date of the purchase.
- (ii) The registration number of the dealer.
- (iii) The name and address of the person selling the tobacco.
- (iv) The identification number (farm number, warehouse code, or dealer number, as applicable) of the person selling the tobacco.
- (v) The pounds of tobacco purchased.
- (vi) The amount of penalty collected.
- (vii) The method (estimating or weighing) of determining the pounds of tobacco marketed.
- (viii) The signature of the seller and the date signed.

(3) The dealer shall make deductions for producer contributions to the No Net Cost Tobacco Fund as provided for in Part 1464 of this title. For nonauction purchases during the 1982-83 marketing year, the dealer shall deduct three cents per pound from the price paid to the producer for the tobacco, except for a purchase which is identified with a marketing card bearing the notation "No Price Support." For nonauction purchases from producers during the 1983-84 and subsequent marketing years, the dealer shall make a deduction

in accordance with Part 1464 of this title from the price paid to the producer for the tobacco; however, a deduction shall not be made if the original "110 percent of quota" entry on the marketing card used to identify the tobacco was zero pounds. The amount of the deduction which is applicable to flue-cured tobacco marketed during each marketing year will be that amount per pound which is approved and announced by the Secretary as the producer contribution to the No Net Cost Tobacco Fund for each such marketing year.

(c) *Record and report of purchases and resales.* (1) Each dealer shall keep a record and make reports on Form MQ-79 showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco which is purchased by the dealer from a crop of tobacco produced prior to the current crop, the fact that such tobacco was so purchased and carried over from a crop produced prior to the current crop.

(2) Form MQ-79 shall be prepared and a copy, together with executed copies of Form MQ-72-2 for all nonauction purchases, shall be forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold. However, if tobacco is purchased prior to the opening of the local auction market, a Form MQ-79 shall be prepared and a copy, together with executed copies of Form MQ-72-2 for all nonauction purchases, shall be forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale date of the local auction markets. In addition, if tobacco is resold in a State other than where the tobacco is produced and the auction markets at such location open earlier than the auction market where the tobacco normally would be sold at auction by farmers, reports together with executed copies of Form MQ-72-2 for all nonauction purchases shall be prepared and forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on Form MQ-72 for nonauction purchases from a producer shall be the data which is enumerated in accordance with the provisions of paragraph (b)(2) of this section.

(7) In addition to Form MQ-79 and MQ-72-2, a Form MQ-79 (Supplemental) shall be executed to record information relating to each

purchase of tobacco for which a contribution to the No Net Cost Tobacco Fund is deducted from the price paid to the producer for the tobacco. The Form MQ-79 (Supplemental) shall be forwarded to the State ASCS office at the same time the Form MQ-79 on which the purchase is recorded is forwarded. A check, draft, or money order in the amount of the deduction recorded on Form MQ-79 (Supplemental) and drawn payable to Flue-Cured Stabilization Corporation shall be forwarded to the State ASCS office at the same time as Forms MQ-79 and MQ-79 (Supplemental).

* * * * *

§ 725.102 [Amended]

22. Section 725.102 is amended by removing, in paragraphs (a) and (b), the words "Director, Production Adjustment Division" and inserting, in their place, the word "Director."

23. In § 725.103, the first sentence in paragraph (a) is revised to read as follows:

§ 725.103 Recordkeeping and reporting requirements for processed producer carryover tobacco.

(a) *General.* This section shall not be applicable to 1979 and subsequent crops of tobacco, except for the 1982 crop for which the Flue-Cured Tobacco Cooperative Stabilization Corporation may process and store producer carryover tobacco and may act as the producer's marketing agent in marketing the producer's tobacco during the 1983-84 marketing year.

* * * * *

24. Section 725.109 is revised to read as follows:

§ 725.109 Duties of Kansas City ASCS Field Office.

The Kansas City ASCS Field Office (KCFO) has responsibility for processing certain data and making such reports as may be required by the Deputy Administrator.

§ 725.110 [Amended]

25. Section 725.110 is amended by removing the words "Program Operations, Division and".

26. Section 725.112 is revised to read as follows:

§ 725.112 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, by all members of county and community committees, and all county office employees. Only such data so reported or acquired as the Deputy Administrator

deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the Act. Nothing in this section shall be deemed to prohibit the issuance of general statements based upon the report of a number of parties which statements do not identify the information furnished by any person.

§ 725.116 [Removed]

27. Part 725 is amended by removing § 725.116.

Signed at Washington, D.C., on December 3, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-34209 Filed 12-13-82; 4:52 pm]

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Agricultural Marketing Service

7 CFR Parts 1046 and 1098

[Docket Nos. AO-123-A48, and AO-184-A43]

Milk in the Louisville-Lexington-Evansville and Nashville, Tenn., Marketing Areas; Order Amending Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Louisville-Lexington-Evansville Federal milk order to permit operators of country supply plants to count shipments directly from farms to pool city distributing plants toward meeting up to one-half of the shipments required to maintain pool status for country plants. Also, the Nashville, Tennessee, order is amended to allow diversions of milk between pool plants and to provide a procedure whereby proprietary handlers can make payments to independent producers rather than having such payments made by the market administrator.

These changes, which are based on the record of a public hearing held at Louisville, Kentucky, October 21-23, 1981, are necessary to maintain orderly conditions for the marketing of milk in these areas.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-4829).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the

provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:
Notice of Hearing: Issued September 4, 1981; published September 11, 1981 (46 FR 45354).

Correction: Published September 22, 1981 (46 FR 46813).

Notice of Rescheduled Hearing: Issued September 24, 1981; published September 29, 1981 (46 FR 47588).

Suspension of Rule: Issued November 24, 1981; published November 30, 1981 (46 FR 58064).

Emergency Partial Final Decision: Issued January 15, 1982; published January 21, 1982 (47 FR 2999).

Final Order: Issued January 26, 1982, published January 29, 1982 (47 FR 4228).

Recommended Decision: Issued June 14, 1982; published June 21, 1982 (47 FR 26656).

Extension of Time: Issued July 6, 1982; published July 12, 1982 (47 FR 30080).

Final Decision: Issued November 5, 1982; published November 10, 1982 (47 FR 50888).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand

for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later the January 1, 1983. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was issued June 14, 1982 (47 FR 26656), and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 5, 1982 (47 FR 50888). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective January 1, 1983, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the *Federal Register*. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders;

(3) The issuance of the order, amending the order, regulating the handling of milk in the Nashville, Tennessee, marketing area is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in

the production of milk for sale in the marketing area; and

(4) The issuance of the order, amending the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the Louisville-Lexington-Evansville marketing area.

List of Subjects in 7 CFR Parts 1046 and 1098

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville and Nashville, Tennessee, marketings areas shall be in conformity to and in compliance with the following terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.7(b) is revised to read as follows:

§ 1046.7 Pool plant.

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at such plant (except by diversion from other plants), or diverted therefrom pursuant to § 1046.13, is shipped to and received at a city plant(s) in the form of milk or skim milk. The operator of a country plant may include milk diverted pursuant to § 1046.13(b) from such plant to a city plant as qualifying shipments in meeting up to one-half of the shipping percentage(s) specified in this paragraph.

§ 1046.13 [Amended]

2. In paragraph (b) of § 1046.13, the section reference "1046.7(a)" is changed to "1046.7(a), (b), or (c)".

PART 1098—MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

§ 1098.7 [Amended]

1. In § 1098.7(a), add the words "pool or" before the word "nonpool".

2. In § 1098.7(b), add the words "pool or" before the words "nonpool plant pursuant to § 1098.12".

§ 1098.13 [Amended]

3. In § 1098.13(a), insert the parenthetical phrase "(excluding such milk that is diverted from another pool plant)" after the words "dairy farmer".

4. In § 1098.13, the introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 1098.13 Producer milk.

(b) Diverted by the operator of a pool plant or a cooperative association from a pool plant to another pool plant without limit during the month, or to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the plant to which diverted;

§ 1098.31 [Amended]

5. In § 1098.31, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

§ 1098.31 Payroll reports.

(c) On or before the 21st day after the end of each month, each handler who elects pursuant to § 1098.73(d) to pay producers shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during the month:

- (1) The name and address of each producer;
- (2) The amounts paid each producer; and
- (3) The dates such payments were made.

§ 1098.41 [Amended]

6. In § 1098.41(b)(2), insert the words "and in milk diverted to such plant from another pool plant" after the phrase "a handler described in § 1098.9(c)".

7. Section 1098.42(a) is revised to read as follows:

§ 1098.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat

transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divortee-plant after the computations pursuant to § 1098.44(a)(12) and the corresponding step of § 1098.44(b);

(2) If the transferor-plant or divortor-plant received during the month other source milk to be allocated pursuant to § 1098.44(a)(7) or the corresponding step of § 1098.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divortor-handler received during the month other source milk to be allocated pursuant to § 1098.44(a)(11) or (12) or the corresponding steps of § 1098.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divortee-plant.

* * * * *

§ 1098.73 [Amended]

8. In § 1098.73, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 1098.73 Payments to producers and to cooperative associations.

* * * * *

(d) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator, on or before the second day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (c) of this section an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a) and (b) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a) and (b) of this section. Any handler who the

market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to participate in this payment arrangement until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and the average butterfat content of milk for which payment is being made, including for the months in which base and excess prices apply, the pounds of base and excess milk;

(3) The minimum rate(s) at which payment to the producer is required by the order and the rate(s) of payment used if such rate(s) is other than the applicable minimum rate(s);

(4) The amount and nature of any deductions from the amount otherwise due to the producer, including the amount and rate per hundredweight of deductions made pursuant to § 1098.86; and

(5) The net amount of payment to the producer.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: January 1, 1983.

Signed at Washington, D.C., on December 13, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services

[FR Doc. 82-34264 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Employment Authorization for Dependents of Foreign Government Officials; Special Agreements

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule expands the employment opportunities for dependents of foreign government personnel assigned to duties within the United States. The rule recognizes the special reciprocal agreements entered into between the United States and certain foreign states which allow for these employment opportunities. In

addition, the rule provides a clearer understanding of the NATO classifications of nonimmigrants and describes which NATO dependents are eligible for employment authorization.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: This final rule revises 8 CFR 214.2(a)(3) to improve readability and to implement new agreements between the United States and other foreign states on reciprocal employment opportunities for nationals of each country. The regulation formerly provided special employment opportunities only for dependents of employees of the government of Canada who are stationed within the United States; this special provision resulted from an agreement entered into between the United States and Canada to provide employment opportunities on a reciprocal basis. The United States has since entered into similar agreements with several other foreign states and is in the process of negotiating with others. A list of all foreign states which are party to reciprocal employment agreements with the United States will be available at all times from the Department of State, Office of Consular Affairs, and the District Offices of the Service. Changes in the list will be announced. Currently the United States has reciprocal employment agreements with Bolivia, Canada, France, New Zealand, Norway, Sweden, and the United Kingdom.

8 CFR 214.2(m) is revised to clarify the various classifications of NATO aliens and to clearly state which dependents of NATO countries are eligible for employment authorization in the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making is not required because the rule deals with agency practice and procedure dictated by international agreement.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have significant impact on a substantial number of small entities.

This rule is not a major rule as defined in section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Crime, Employment, Passports and visas.

PART 214—NONIMMIGRANT CLASSES

Accordingly, Title 8, Chapter I, of the Code of Federal Regulations is amended as follows:

In § 214.2, paragraphs (a)(3) and (m) are revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(a) * * *

(3) Special requirements. (i)

Notwithstanding the provisions of paragraph (a)(2) of this section, dependents of employees assigned to official duty in the United States may accept unrestricted employment based on agreements entered into between the Department of State and foreign states if the following conditions are met:

(A) The embassy of the foreign state in Washington, D.C. has made an official request to the Office of Protocol of the Department of State;

(B) The Office of Protocol recognizes the person as a dependent of an official employee; and

(C) The Office of Protocol has informed the embassy of the state that the dependent has permission to accept employment.

(ii) Dependents who obtain employment under this paragraph are responsible for payment of income taxes and Social Security contributions on any remuneration received. Further, immunity from civil or administrative jurisdiction in accordance with Article 37 of the Vienna Convention on Diplomatic Relations is waived for these dependents with respect to all matters arising out of their employment. The term "dependents" in this paragraph means the employee's:

(A) Spouse;

(B) Unmarried dependent children under 21 years of age;

(C) Unmarried dependent children under 25 years of age who are in full-time attendance at postsecondary educational institutions; or

(D) Unmarried children who are physically or mentally disabled.

(m) NATO aliens.—(1) General.

Aliens classified as NATO-1 through NATO-4 are members of the armed forces of a country signatory to Article III of the Status of Forces Agreement (NATO). They are normally exempt

from inspection under 8 CFR 235.1(c). Aliens classified as NATO-5 or -6 are civilian employees of the armed forces of a NATO member and may be authorized admission not to exceed one year. Aliens classified as NATO-7 are employed by NATO-1 through NATO-4 aliens and may be admitted for duration of status; if employed by NATO-5 or -6 aliens, admission may be authorized not to exceed one year.

(2) *Extension of Stay.* Any alien classified as a NATO-5 through NATO-7 may be granted extensions of stay in increments not to exceed one year.

(3) *Employment.* The dependents of an alien classified NATO-1 through NATO-7 may request authorization for employment if the state of their nationality has a reciprocal employment agreement with the Department of State. The names of the foreign states which have reciprocal employment agreements are available from the Department of State, Office of Consular Affairs, and the District Offices of the Service.

(Secs. 103, 214 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 8 U.S.C. 1184)

Dated: December 1, 1982.

Andrew J. Carmichael, Jr.,
Associate Commissioner, Examinations,
Immigration and Naturalization Service.

[FR Doc. 82-34223 Filed 12-16-82; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81 and 82

[Docket No. 82N-0299]

FD&C Green No. 3

Correction

In FR Doc. 82-31700 beginning on page 52140 of the issue for Friday, November 19, 1982, make the following changes to § 74.203 on page 52143.

1. The seventh line, the "4" should read "3".

2. The sixteenth line, after the semi-colon, add the word "of".

3. The twentieth line, the "3" should read "4".

BILLING CODE 1505-01-M

21 CFR Part 444

[Docket No. 82N-0355]

Antibiotic Drugs; Gentamicin Sulfate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for several new strengths of gentamicin sulfate injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective December 17, 1982; comments, notice of participation, and request for hearing by January 17, 1983; data, information, and analyses to justify a hearing by February 15, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of several new strengths (0.4, 0.6, 0.8, 1.2, 1.6, and 2.4 milligrams per milliliter) of gentamicin sulfate injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Lists of Subjects in 21 CFR Part 444

Antibiotics, Oligosaccharide.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), § 444.220 is amended by revising the second

sentence in paragraph (a)(1) to read as follows:

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

§444.220 Gentamicin sulfate injection.

(a) * * *

(1) * * * Each milliliter contains gentamicin sulfate equivalent to either 0.4, 0.6, 0.8, 1.0, 1.2, 1.6, 2.0, 2.4, 10.0, or 40 milligrams of gentamicin. * * *

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective December 17, 1982. However, interested persons may, on or before January 17, 1983, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before January 17, 1983, a written notice of participation and request for hearing, and (2) on or before February 15, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this

order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective December 17, 1982.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: December 10, 1982.

James C. Morrison,

Acting Assistant Director for Regulatory Affairs.

[FR Doc. 82-34255 Filed 12-16-82; 8:45 a.m.]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R-82-1014]

Loans for Housing for the Elderly or Handicapped; Eligibility of Acquired Existing Housing for the Non-Elderly Handicapped

Correction

In FR Doc. 82-31283 beginning on page 51565 in the issue for Tuesday, November 16, 1982, on page 51566, first column, the COMMENT DUE DATE should read "January 3, 1983".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7862]

Income Tax; Taxable Years Beginning After December 31, 1953; Foreign Bribes and International Boycotts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to foreign bribes and international boycotts. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Equity and Fiscal Responsibility Act of 1982. These regulations affect controlled foreign corporations and Domestic International Sales Corporations paying bribes or making other illegal payments, or participating in or cooperating with certain international boycotts, and the shareholders of those corporations. These regulations also provide guidance to officers and employees of the Internal Revenue Service with respect to the treatment of those payments or that participation.

EFFECTIVE DATE: The regulations are effective for illegal payments paid after November 3, 1976, and for participation in or co-operation with an international boycott after November 3, 1976.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3289).

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1981, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 952, 964, and 995 of the Internal Revenue Code of 1954 (46 FR 10510). The amendments were proposed to conform the regulations to sections 1062, 1063, and 1065 of the Tax Reform Act of 1976 (90 Stat. 1650, 1653-4). A public hearing was not held. After consideration of all comments regarding the proposed amendments, the amendments are adopted as revised by this Treasury decision.

Summary of Changes and Public Comments

Minor revisions of the proposed regulations have been made by the final regulations in response to public comments. A number of revisions have also been made to conform the regulations to a portion of section 288 of the Tax Equity and Fiscal Responsibility Act of 1982, relating to the new standard for determining the legality of payments to government officials or employees. Several commentators requested that the sentence appearing in the proposed regulations under sections 952 and 995 describing those persons having some relation to the corporation (officers, directors, employees, shareholders,

agents) whose payment of a bribe would be deemed to be payment by the corporation should be more limited in its application. Specifically, the commentators suggested that the sentence state that such payments by such persons must be made for the benefit of the corporation in order to be imputed to the corporation. That sentence has been revised accordingly.

A commentator suggested that the proposed regulations should reflect the additions to the Code of section 995(b)(1)(D) and (E). The changes in the regulations under section 995 relating to the above new statutory provisions are expected to be made in a separate regulation project and it is for this reason that final regulation § 1.995-2(a) has reserved subparagraphs (4) and (5).

A commentator was concerned that the proposed regulations under sections 952 and 995 provided only for the international boycott factor method of section 999(c)(1) for computing subpart F income and a deemed distribution from a DISC resulting from international boycott operations. The commentator requested that the proposed regulations under sections 952 and 995 clarify that the specifically attributable calculation of section 999(c)(2) was an alternative method of computation of international boycott income if certain conditions were met. The regulations referred to have been so revised.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is, therefore, not required. Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirement of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Charles C. Saverude of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations both on matters of substance and style.

List of Subjects in 26 CFR 1.861-1 through 1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, Sources of income, United States investments abroad.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

Accordingly, the amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.952-1 is amended as follows:

1. Paragraph (a)(1) is amended by removing the word "and".

2. Paragraph (a)(2) is amended by removing the period at the end of the subparagraph and inserting in lieu thereof a comma.

3. Paragraphs (a)(3) and (a)(4) are added immediately after subparagraph (2). The new subparagraphs read as follows:

§ 1.952-1 Subpart F income defined.

(a) *In general.* * * *

(3)(i) An amount equal to the product of—

(A) The income of such corporation other than income which—

(I) Is attributable to earnings and profits of the foreign corporation included in the gross income of a United States person under section 951 (other than by reason of this paragraph) (determined in accordance with the provisions of section 951 and § 1.951-1), or

(2) Is described in section 952(b), multiplied by

(B) The international boycott factor determined in accordance with the provisions of section 999(c)(1), or

(ii) In lieu of the amount determined under paragraph (a)(3)(i) of this section, the amount described under section 999(c)(2) of such international boycott income, and

(4) The sum of the amount of any illegal bribes, kickbacks, or other payments paid after November 3, 1976, by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government. An amount is paid by a controlled foreign corporation where it is paid by an officer, director, employee, shareholder or agent of such corporation for the benefit of such corporation. For purposes of this section, the principles of section 162(c) and the regulations thereunder shall apply. In the case of payments made after September 3, 1982, a payment is illegal if the payment would be unlawful under the Foreign

Corrupt Practices Act of 1977 if the payor were a United States person. The fair market value of an illegal payment made in the form of property or services shall be considered the amount of such illegal payment.

Par. 2. Section 1.964-1 is amended by revising the flush language in paragraph (a) and revising paragraph (f) to read as follows:

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

(a) *In general.* * * *

The computation described in the preceding sentence may be made by following the procedures described in paragraphs (a) (1) through (5) of this section in an order other than the one listed, as long as the result so obtained would be the same. In determining earnings and profits, or the deficit in earnings and profits, of a foreign corporation under section 964, the amount of any illegal bribe, kickback, or other payment (within the meaning of section 162(c), as amended by section 288 of the Tax Equity and Fiscal Responsibility Act of 1982 in the case of payments made after September 3, 1982, and the regulations thereunder) paid after November 3, 1976, by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government shall not be taken into account to decrease such earnings and profits or to increase such deficit. No adjustment shall be required under subparagraph (2) or (3) of this paragraph unless it is material. Whether an adjustment is material depends on the facts and circumstances of the particular case, including the amount of the adjustment, its size relative to the general level of the corporation's total assets and annual profit or loss, the consistency with which the practice has been applied, and whether the item to which the adjustment relates is of a recurring or merely a nonrecurring nature. For the treatment of earnings and profits whose distribution is prevented by restrictions and limitations imposed by a foreign government, see section 964(b) and the regulations thereunder.

(f) *Determination of earnings and profits as if a domestic corporation—(1) In general.* If the books of account regularly maintained by a foreign corporation for the purpose of accounting to its shareholders are kept in U.S. dollars and in accordance with accounting principles generally accepted

in the United States, and if it is so elected by or on behalf of such corporation, the earnings and profits of the foreign corporation for a taxable year shall, except as otherwise provided in paragraph (f)(2) of this section, be determined in every respect as if it were a domestic corporation. Such election shall be effective only for the taxable year with respect to which the election is made. Once made, such election shall be irrevocable. See paragraph (c)(3) of this section for the time and manner in which an election may be made on behalf of a foreign corporation.

(2) *Illegal payments.* The amount of any illegal bribe, kickback, or other payment (within the meaning of section 162(c), as amended by section 288 of the Tax Equity and Fiscal Responsibility Act of 1982 in the case of payments made after September 3, 1982, and the regulations thereunder) paid after November 3, 1976, by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government shall not be taken into account to decrease earnings and profits or increase the deficit in earnings and profits otherwise determined under paragraph (f)(1) of this section.

Par. 3. Section 1.995-2 is amended as follows:

1. The introductory text of paragraph (a) is revised.
2. Paragraph (a)(4) is removed.
3. Paragraph (a)(5) of the current regulations is redesignated as paragraph (a)(7).
4. Paragraph (a)(4) and (a)(5) are reserved.
5. A new paragraph (a)(6) is added.
6. Paragraph (b) is amended as follows:
 - a. The words "paragraph (a) (1) through (a) (4)" are removed from paragraph (b)(1), paragraph (b)(2) (i), the flush material following paragraph (b)(2) (ii) and paragraph (b)(3) each time they appear and the words "paragraph (a) (1) through (a) (6)" are inserted in lieu thereof.
 - b. The words "paragraph (a) (5) are removed from that portion of paragraph (b)(2) which precedes paragraph (b)(2)(i) and from the flush material following paragraph (b)(2) (ii) each time they appear and the words "paragraph (a) (7)" are inserted in lieu thereof.
 - c. By striking out all that follows the final semicolon in paragraph (b)(3) and adding in lieu thereof "and so forth, and finally to the amount described in paragraph (b)(6) of this paragraph."

These revised and added provisions read as follows:

§ 1.995-2 Deemed distributions in qualified years.

(a) *General rule.* Under section 995 (b) (1), each shareholder of a DISC shall be treated as having received a distribution taxable as a dividend with respect to his stock on the last day of each taxable year of the DISC, in an amount which is equal to his pro rata share of the sum (as limited by paragraph (b) of this section), of the following seven items:

- * * * * *
- (4) [Reserved].
 - (5) [Reserved].
 - (6) The sum of—
 - (i) An amount equal to one-half of the excess (if any) of the taxable income of the DISC for such year (computed as provided in § 1.991-1 (b) (1)) over the sum of the amounts deemed distributed for the taxable year in accordance with paragraphs (a)(1), (2), (3), (4) and (5) of this section.
 - (ii) (A) An amount equal to the amount under subdivision (i) of paragraph (a) (6) of this section multiplied by the international boycott factor as determined under section 999 (c) (1), or

(B) In lieu of the amount determined under subdivision (ii) (A) of paragraph (a) (6) of this section, the amount described under section 999 (c) (2) of such international boycott income, and

(iii) An amount equal to the sum of any illegal bribes, kickbacks, or other payments paid by or on behalf of the DISC directly or indirectly to an official, employee, or agent in fact of a government. An amount is paid by a DISC where it is paid by any officer, director, employee, shareholder, or agent of the DISC for the benefit of such DISC. For purposes of this section, the principles of section 162 (c) and the regulations thereunder shall apply. The fair market value of an illegal payment made in the form of property or services shall be considered the amount of such illegal payment.

(7) * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: December 7, 1982.
John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 82-34333 Filed 12-16-82; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Permanent State Regulatory Program of Alabama

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is extending the deadline for the State of Alabama to meet certain conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On October 7, 1982, the Alabama Surface Mining Commission requested an extension for meeting those conditions necessitating amendments to Alabama's regulations. The conditions affected by Alabama's request are those found at 30 CFR 901.11(b)-(m) and are set forth at 47 FR 22057-22058, (May 20, 1982).

OSM proposed a rule on November 1, 1982 (47 FR 49411-49412), that would extend the deadline to September 1, 1983. After considering all the information contained in the Administrative Record, including public comments, the Secretary has decided to grant Alabama's request. The Secretary hereby publishes amendments to the Federal rules contained in 30 CFR 901.11 to effect this action.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Director, Alabama Field Office, Office of Surface Mining, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209, Telephone: (205) 254-0890.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama State Program

Information regarding the general background on the Alabama State program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found in the May 20, 1982 Federal Register (47 FR 22030-22058).

II. Background on Conditional Approval

Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the

deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with the steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

III. Discussion of the Extension Request

The Alabama program was conditionally approved on May 20, 1982 (47 FR 22030-22058). In the notice of approval, the Secretary published the schedule for Alabama to resolve each of the 13 conditions on the approval of that State's regulatory program. In a letter to the Director, OSM, dated October 7, 1982, the Alabama Surface Mining Commission requested an extension for meeting those conditions necessitating amendments to Alabama's regulations. The State requested that the deadline be extended to September 1, 1983. The conditions affected by Alabama's request are those found at 30 CFR 901.11(b)-(m) and are set forth at 47 FR 23057-23058 (May 20, 1982).

The State indicated that it needed additional time to comply with new requirements of the Alabama Administrative Procedures Act (AAPA), including providing an opportunity for the Alabama Legislature to review the proposed changes to the State's rules during the next session of the Alabama Legislature in 1983.

On November 1, 1982 (47 FR 49411-49412), the Secretary announced that he was seeking public comment on the proposed extensions of the deadline for Alabama to meet the conditions found at 30 CFR 901.11(b)-(m). The comment period closed on December 1, 1982.

IV. Secretary's Findings

The Secretary has carefully reviewed Alabama's extension request. Based on the information contained in the administrative record, including the public comments, the Secretary makes the following findings:

1. Alabama's request for an extension of the deadline to meet those conditions necessitating changes to the State's rules is premised on the need for additional time to complete new rulemaking procedures prescribed by the AAPA.

2. One of the requirements of the AAPA is that the Alabama Legislature have an opportunity to review the proposed changes to Alabama's surface and underground coal mining rules. This cannot occur until the 1983 session of the Alabama Legislature.

3. Based on the above information, the Secretary is satisfied that Alabama is proceeding to act in good faith and that

the granting of an additional extension of time will not change the classification of any of the affected conditions from being minor.

V. Disposition of Comments

Although public comments were requested, no substantive comments were received.

VI. Secretary's Decision

Based on the above findings, the Secretary hereby grants Alabama's request for an extension to September 1, 1983, of the deadline for Alabama to meet the conditions found at 30 CFR 901.11(b)-(m).

VII. Procedural Matters

Paperwork Reduction Act. There are no information collection requirements in 30 CFR 901.11 requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

EPA Concurrence

On May 13, 1982, the Administrator of the Environmental Protection Agency transmitted a written concurrence on the Alabama permanent program. The deadline extension approved in this document is not an aspect of the Alabama program which relates to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1857) *et seq.*

List of Subjects in 30 CFR Part 901

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 10, 1982.

Daniel N. Miller, Jr.,
Assistant Secretary for Energy and Minerals.

PART 901—ALABAMA

Accordingly, 30 CFR Part 901 is amended as set forth herein.

1. The authority citation for Part 901 is:

Authority: Sec. 503, Pub. L. 95-87, 91 Stat. 407 (30 U.S.C. 1253).

§ 901.11 [Nomenclature change]

2. In Part 901, § 901.11, paragraphs (b) through (m) are amended by substituting "September 1, 1983" for "December 1, 1982," each time the latter date appears.

[FR Doc. 82-34324 Filed 12-16-82; 8:45 am]
BILLING CODE 4310-05-M

30 CFR Part 914

Removal of One of the Conditions of Approval of the Indiana Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 914 by removing one of the conditions of approval of the Indiana permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The specific condition concerned in this rulemaking is 30 CFR 914.11(b)(2), which required Indiana to amend its permit application forms to require the applicant to certify that all reclamation fees due under 30 CFR 870.12 have been paid.

On September 1, 1982, Indiana submitted its revised permit application forms to satisfy this condition. After providing the public an opportunity to review and comment on the State's amended permit application forms, the Secretary has decided that Indiana has now met the requirements of 30 CFR 914.11(b)(2). Accordingly, the Secretary hereby publishes amendments to the Federal rules contained in 30 CFR Part 914 to effect this action.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. McNabb, Director, Indiana Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:**I. Background on the Indiana Program**

Information pertinent to the general background on the Indiana State program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, Federal Register (47 FR 32071-32108).

II. Background on the Secretary's Conditional Approval and Indiana's Program Amendment

One of the conditions of the Secretary's approval, 30 CFR 914.11(b)(2), stated that Indiana must amend its permit application forms to require the applicant to certify that all reclamation fees due under 30 CFR 870.12 have been paid.

On September 1, 1982, Indiana submitted its revised permit application forms to satisfy the condition set forth in 30 CFR 914.11(b)(2). See IN-0290.

OSM published a notice in the Federal Register on October 29, 1982, announcing receipt of these modified permit application forms and inviting public comment on whether the proposed program amendment corrected the deficiency (47 FR 49301-49302). The comment period closed on November 29, 1982. A public hearing scheduled November 19, 1982, was not held because no one expressed a desire to present testimony.

III. Secretary's Findings

The Secretary finds that the amended permit application forms submitted by Indiana on September 1, 1982, address the requirements of the condition set forth at 30 CFR 914.11(b)(2). The Secretary finds further that the revised permit application forms coupled with the permit approval requirements of Indiana rule 310 IAC 12-3-112(m) provide for the assurance that the applicant submit proof that all reclamation fees have been paid. Therefore, the Secretary finds that Indiana's program is now no less effective than 30 CFR 786.19(h). The modified permit application forms require the applicant to affirm that all reclamation fees due as required by 30 CFR 870.12 have been paid to the U.S. Department of the Interior, Office of Surface Mining.

IV. Public Comments

While public comments were requested, no substantive comments were received.

V. Secretary's Decision

Accordingly, the Secretary hereby approves Indiana's amended permit

application forms and the condition set forth at 30 CFR 914.11(b)(2) is removed.

VI. Procedural Matters

Paperwork Reduction Act. There are no information collection requirements in 30 CFR 914.11(b) requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

EPA Concurrence. On July 9, 1982, the Administrator of the Environmental Protection Agency transmitted a written concurrence on the Indiana program. The condition being addressed in this document is not an aspect of the Indiana program which relates to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 914 of Title 30 is amended as set forth herein.

Dated: December 10, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 914—INDIANA

Accordingly, Part 914 of Title 30 is amended as follows:

1. The authority citation for Part 914 is:

Authority: Pub. L. 95-87; Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.10 is revised to read as follows:

§ 914.10 State regulatory program approval

The Indiana State program, as submitted on March 3, 1980, as amended and clarified on June 4, 1980, as resubmitted on September 28, 1981, and clarified on December 8, 1981, April 8, 1982, May 18-19, 1982, and May 26, 1982, is conditionally approved, effective July 29, 1982. Beginning on that date, the Indiana Department of Natural Resources shall be deemed the regulatory authority in Indiana for all surface coal mining and reclamation operations and all coal exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on Non-Federal and non-Indian lands shall be subject to the provisions of the Indiana permanent regulatory program. Beginning on December 17, 1982, the program includes program amendments submitted on September 1, 1982.

Copies of the approved program, together with copies of the letter of the Department of Natural Resources agreeing to the conditions of 30 CFR 914.11, are available at:

Office of Surface Mining, Room 5315,
1100 L Street, NW., Washington, D.C.
20240

Office of Surface Mining, 46 East Ohio
Street Indianapolis, Indiana 46204
Indiana Department of Natural
Resources, Suite 202, 309 W.
Washington Street, Indianapolis,
Indiana 46204

3. Section 914.11 is amended by removing and reserving paragraph (b)(2).

§ 914.11 Conditions of State regulatory approval.

* * * * *

(b) * * *

(2) [Reserved]

[FR Doc. 82-34323 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-05-M

SELECTIVE SERVICE SYSTEM**32 CFR Part 1662****Selective Service Regulations; Freedom of Information Act Procedures**

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: Fees for the processing of Freedom of Information Act requests are revised to assure the recovery of costs of such processing.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435 Phone: (202) 724-1167.

SUPPLEMENTARY INFORMATION: This amendment to Selective Service Regulations was published for comment pursuant to 5 U.S.C. 552 on November 5, 1982 at 47 FR 50310. We received comments from three persons, and, in light of these comments, we have clarified the text of the rule.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub.L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), I have determined that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Part 1662

Freedom of Information.

Dated: December 13, 1982.

Thomas K. Turnage,
Director.

PART 1662—[AMENDED]

32 CFR 1662.6 is revised to read:

§ 1662.6 Fees.

(a) Following is the fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—the product of the time used in the search, in units of ¼ hour (a fraction thereof to be counted a ¼ hour) X the hourly pay of the employee making the search. \$5.00 of the cost of each search will be waived.

(2) Duplication of records. The charge for office copy reproduction is 25 cents per page. The charge for shelf stock is 10 cent per page.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Associate Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User Charges." Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the

headquarters of the Selective Service System (SSS) at Washington, D.C., the special costs of retrieving and returning such records to the headquarters for review will be added to the search costs.

(c) A search will not be undertaken until the requester pays the estimated cost thereof in excess of \$5.00. No other service will be rendered until the requester pays the estimated cost thereof.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests, copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Selective Service System and mailed or delivered to the Records Manager, Selective Service System, Washington, D.C. 20435.

(f) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made. Payments of estimated costs in excess of actual costs will be refunded when the excess payment exceeds 99 cents.

(g) The Associate Director for Administration or an officer designated by the Associate Director for Administration shall, in accordance with the Freedom of Information Act, waive all or part of any fee provided for in this section when the Associate Director for Administration or the designated officer " * * * determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public."

[FR Doc. 82-34237 Filed 12-16-82; 8:45 am]

BILLING CODE 9015-01-M

POSTAL SERVICE

39 CFR Parts 3, 4, 6, and 8

Bylaws of Board of Governors; Miscellaneous Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The bylaws of the Board of Governors are revised to reorganize the Board's administrative staff function and to clarify matters requiring notification to, or approval by, the Board.

EFFECTIVE DATE: December 7, 1982.

FOR FURTHER INFORMATION CONTACT: Louis A. Cox, (202) 245-4632.

SUPPLEMENTARY INFORMATION: Staff administration for the Board is reorganized: to establish an Office of the Board of Governors; to require the Chairman of the Board to set the agenda for meetings; to provide that the Secretary of the Board is appointed by the Board, serves at its pleasure, and is responsible for carrying out the functions of the Office of the Board of Governors; and to make it clear that regular meetings may be held outside of Washington, D.C. The list of decisions reserved to the Board is revised to include approval of official statements concerning major policy changes, positions concerning Postal Service petitions to the Supreme Court, the annual financial statements, and the annual comprehensive statement to Congress on postal operations. Advance notice is required concerning the candidates which the Postmaster General is considering for appointment to fill vacancies in the officer positions within postal management. Information is required concerning Equal Employment Opportunity performance, major litigation activities, significant accounting changes, and other matters with important policy implications.

List of Subjects in 39 CFR Parts 3, 4, 6 and 8

Organization and functions (Government agencies), Administrative practice and procedure, Reporting and recordkeeping requirements, Postal Service.

Accordingly, 39 CFR is amended as follows:

PART 3—BOARD OF GOVERNORS [ARTICLE III]

1. In § 3.4 redesignate paragraphs (f) through (q) as paragraphs (g) through (r); redesignate paragraphs (r) through (u) as paragraphs (u) through (x); revise paragraph (c) and add new paragraphs (f), (s), and (t) to read as follows:

§ 3.4 Matters reserved for decision by the Board.

* * * * *

(c) Election of the Chairman of the Board of Governors (by the Governors, 39 U.S.C. 202 (a)), the Vice Chairman of the Board, and the appointment of the Secretary of the Board.

* * * * *

(f) Approval of the annual financial statements of the Postal Service following receipt of the annual report of

the Postal Service's independent, certified public accounting firm.

(s) Approval of official statements adopting major policy positions or departing from established major policy positions, and of official positions on legislative proposals having a major impact on the Postal Service.

(t) Approval of all positions taken with the Department of Justice on petitioning the Supreme Court of the United States for writs of certiorari.

2. In § 3.7 redesignate paragraph (b) as paragraph (d) and add new paragraphs (b) and (c) to read as follows:

§ 3.7 Information furnished to Board—Program review.

(b) To enable the Board to review the effectiveness of the Postal Service's equal employment opportunity program, performance data relating to this program shall be furnished to the Board at least quarterly. This data shall be categorized in such manner as the Board, from time to time, specifies.

(c) To enable the Board to consider candidates before the fact, the Postmaster General shall furnish information to the Board in advance of each calendar quarter of any vacancies that are anticipated during that quarter in the positions of:

Senior Assistant Postmasters General
Assistant Postmasters General
Regional Postmasters General
General Counsel
Chief Inspector
Controller
Treasurer
Consumer Advocate
Executive Assistant to the Postmaster General
Judicial Officer

The Postmaster General shall also furnish written information on the candidates for such appointments. In the event of unanticipated vacancies, the Postmaster General shall furnish similar candidate information to the Board, not less than thirty days prior to any appointment action.

3. Section 3.8 is revised, and new § 3.9 is added to read as follows:

§ 3.8 Information furnished to Board—Special reports.

To insure that the Board receives significant information of developments meriting its attention, postal management shall bring to the Board's attention the following matters:

(a) Major developments in personnel areas, including but not limited to equal

employment opportunity, career development and training, and grade and salary structures.

(b) Major litigation activities. Postal management shall also notify the Board in a timely manner whenever it proposes to seek review by any United States Court of Appeals of an adverse judicial decision.

(c) Any significant changes proposed in the Postal Service's system of accounts or methods of accounting.

(d) Matters of special importance, including but not limited to important research and development initiatives, major changes in Postal Service organization or structure, major law enforcement activities, and other matters having a significant impact upon the relationship of the Postal Service with its employees, with any major branch of Government, or with the general public.

(e) Other matters having important policy implications.

§ 3.9 Office of the Board of Governors.

There shall be located in Washington, D.C. an Office of the Board of Governors of the United States Postal Service. It shall be the function of this Office to provide staff support for the Board, as directed by the Chairman of the Board, to enable the Board to carry out effectively its duties under the Reorganization Act. To further assist the Board in discharging its responsibilities, the Office of the Board, upon the request of any Governor, shall provide for staff support at that Governor's place of work. Such on-site support shall be limited to those services directly relating to a Governor's duties under the Reorganization Act that cannot reasonably be performed at postal headquarters and shall be provided in the most efficient manner possible.

PART 4—OFFICERS [ARTICLE IV]

4. In § 4.1 paragraph (a) is revised to read as follows:

§ 4.1 Chairman.

(a) Shall preside at all regular and special meetings of the Board, and shall set the agenda for such meetings;

5. Section 4.6 is revised to read as follows:

§ 4.6 Secretary of the Board.

The Secretary of the Board of Governors is appointed by the Board and serves at the pleasure of the Board. The Secretary shall be responsible for carrying out the functions of the Office of the Board of Governors, under the direction of the Chairman of the Board.

The Secretary shall also issue notices of meetings of the Board and its committees, keep minutes of these meetings, and monitor compliance with all statutes and regulations dealing with public observation of meetings. The Secretary shall perform all those duties incident to this office, including those duties assigned by the Board or by the Chairman of the Board. The Chairman may designate such assistant secretaries as may be necessary to perform any of the duties of the Secretary.

PART 6—MEETINGS [ARTICLE VI]

6. Section 6.1 is revised to read as follows:

§ 6.1 Regular meetings, annual meeting.

The Board shall meet regularly on the first Tuesday of each month. The first regular meeting of each calendar year is designated as the annual meeting. Consistent with the provisions of § 7.5 of these bylaws, the time or place of a regular or annual meeting may be varied by action of the Chairman, or by a recorded vote of a majority of the members of the Board, with the earliest practicable notice to the other members of the Board and to the Secretary. If the Chairman varies the time or place of a meeting, he shall give not less than 8 days' notice to the other members of the Board and to the Secretary. The Secretary shall distribute to the members an agenda setting forth the proposed subject matter for any regular or annual meeting in advance of the meeting.

PART 8—REPORTS AND RECORDS [ARTICLE VIII]

7. Section 8.2 is revised to read as follows:

§ 8.2 Reports to the executive and legislative branches.

(a) No later than the annual meeting of the Board, the Postmaster General shall give to the Board an annual report concerning the operations of the Postal Service, as required by 39 U.S.C. 2402. Upon approval of this report, or after making any changes it considers appropriate, the Board shall transmit this report to the President and the Congress. The Postmaster General shall make the necessary arrangements for the printing of the report and its sale to the public.

(b) Prior to the submission of the annual budget to the Congress, the Postmaster General shall submit to the Board a comprehensive statement on postal operations containing the information required under 39 U.S.C.

2401(g). Upon approval of this statement, or after making any changes the Board considers appropriate, the statement shall be transmitted to the Congress, as required by 39 U.S.C. 2401(g).

(39 U.S.C. 202, 205, 401)

Louis A. Cox,
General Counsel.

[FR Doc. 82-34107 Filed 12-16-82; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. NH-543; A-1-FRL 2246-4]

Approval and Promulgation of Implementation Plans—New Hampshire; Group I VOC Compliance Schedules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving, in part, State implementation plan (SIP) revisions submitted by the State of New Hampshire. These revisions will ensure reduced emissions from major sources of volatile organic compounds (VOC). The intended effect of this action is to satisfy conditions for Part D plan requirements for nonattainment areas under Section 172(b)(2) of the Clean Air Act.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Alan E. Dion, (617) 223-5130.

SUPPLEMENTARY INFORMATION: EPA conditionally approved New Hampshire's VOC regulations in the April 11, 1980 Federal Register (45 FR 24869) and required submittal of permits with compliance schedules for 9 major sources of VOC. Region I gave Immediate Final approval to 6 of these sources in the June 7, 1982 Federal Register (47 FR 24552). No action was taken on the other three sources since we felt their permits were still not complete, and there was some question whether they were in compliance. EPA decided to utilize an Immediate Final Notice for the six permits because we did not anticipate that the rulemaking would generate any comments or controversy. In that rulemaking we stated that we would withdraw our approval and publish a Notice of proposed Rulemaking (NPR) if anyone commented on the action. We received comments from the Conservation Law Foundation (CLF) regarding approval of the permits for Oak Materials Group

and Markem Corporation, and therefore withdrew our approval on August 31, 1982 (47 FR 38321). We then proposed approval of these 6 schedules in the same day's Federal Register (47 FR 38364). No additional public comments were received on the NPR.

The State has notified EPA that Oak Materials and Markem have altered their compliance schedules and requested revisions to their permits. Since the state Air Resources Agency has not yet issued revised permits for these sources, it would not be appropriate for us to take final action on the existing schedules at this time. Once we receive the revised compliance schedules for Markem and Oak materials we will evaluate them, and if appropriate, repropose approval. Since the issues raised by CLF deal only with these two sources, EPA will defer any evaluation and response to CLF's comments until after we have received and reviewed the revised schedules.

Action

EPA is approving compliance schedules for Mobil Oil Corporation; ATC Petroleum, Inc.; Velcro USA, Inc.; and Nashua Corporation's facility at Nashua. EPA is taking no action on Ideal Tape, Essex Group, Nashua Corporation's Merrimack Facility, Oak Materials Group and Markem Corporation.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at Room 2111, JFK Federal Building, Boston, MA 02203.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 15, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110(a) and Sec. 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a).)

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 10, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. Section 52.1520 is amended by adding paragraph (c)(21) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(21) Operating permits with compliance schedules for VOC sources were submitted May 2, 1980, May 16, 1980, November 20, 1981 and January 8, 1982. Approved are operating permits for Mobil Oil Corporation; ATC Petroleum, Inc.; Velcro USA, Inc.; and Nashua Corporation's facility at Nashua.

2. Section 52.1527 is amended by adding paragraphs (c)(4)–(8) as follows:

§ 52.1527 Rules and regulations.

* * * * *

(c) Part D—No Action—EPA is neither approving nor disapproving the following elements of the revisions:

(4) Markem Corporation, submitted May 2, 1980.

(5) Oak Materials Group, submitted May 2, 1980.

(6) Ideal Tape, submitted May 16, 1980.

(7) Essex Group, submitted May 16, 1980.

(8) Nashua Corporation's Merrimack facility, submitted May 16, 1980.

[FR Doc. 82-34297 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL-2248-6]

Revision to Washington State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking addresses State Implementation Plan (SIP) revisions submitted by the State of Washington Department of Ecology (DOE) pursuant to the requirements of Part D of the 1977 Clean Air Act (hereafter referred to as the Act). In today's action, EPA is approving revisions to the ozone (O₃) attainment plan for the Vancouver portion of the

Portland, Oregon-Vancouver, Washington nonattainment area.

EFFECTIVE DATE: February 15, 1983.

ADDRESSES: Copies of the materials relevant to the SIP may be examined during normal business hours at:

Central Docket Section (10A-82-10), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460
Air Programs Branch, M/S 532, Environmental Protection Agency Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, PV-11, 4224 Sixth Avenue, Southeast, Rowe Six, Building #4, Lacey, Washington 98504

Copy of the State's submittal may be examined at: The Office of Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101, Telephone No. (206) 442-4016, FTS: 399-4016.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act requires any area which has requested and received an attainment date extension for O₃ or carbon monoxide to submit by July 1, 1982 a revised SIP containing all measures needed to provide for attainment by 1987. Section 172(c), 42 U.S.C. 7502(c), and Section 129(c) (uncodified), Pub. L. 95-95.

On July 16, 1982, the State of Washington DOE officially submitted the 1982 Vancouver O₃ SIP revisions to EPA. On September 30, 1982 (47 FR 43083) EPA proposed to approve the revisions. Today's action gives final approval to the Vancouver O₃ SIP revisions, including DOE revisions to WAC 173-490 (Control of Volatile Organic Compounds). Additional background information on today's action can be found in the September 30, 1982 proposed rulemaking.

II. Response to Comments

A 30-day public comment period was provided on the proposed rulemaking. No comments were received.

III. Plan Review

Requirements for SIP revisions for areas with attainment date extensions are described in a policy notice published on January 22, 1981 (46 FR 7182). EPA reviewed the revised Vancouver O₃ SIP for conformity with

these requirements. The results of EPA's review are contained in a technical support document which is available at the offices listed under "Addresses" above.

Briefly, EPA found that the Vancouver O₃ SIP revisions provide for attainment of the O₃ standard by December 31, 1987 and require "reasonable further progress" (RFP) in the period before attainment. The SIP includes a contingency plan to be implemented in the event that RFP is jeopardized. The principal control measure in the SIP is DOE regulation WAC 173-490 (Control of Volatile Organic Compounds). This regulation will reduce emissions of O₃ precursors from stationary sources. The plan also provides for emission reductions from transportation sources.

IV. Summary of Rulemaking Action

EPA approves the revised Vancouver O₃ attainment plan as meeting the requirements for areas with attainment date extensions.

Under Executive Order 12291, today's action is not "major". It has been exempted from review by the Office of Management and Budget.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this section must be filed in the United States Court of Appeals for the appropriate circuit by February 15, 1983. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

(Secs. 171 through 173 of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7410(a), 7501 through 7503, and 7601(a)))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Carbon monoxide, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the Implementation Plan for the State of

Washington was approved by the Director of the Office of Federal Register in November 1982.

Dated: December 10, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(32) is added as follows:

§ 52.2470 Identification of plan.

(c) * * *

(32) On July 16, 1982 the State of Washington Department of Ecology submitted implementation plan revisions which build upon those submitted in May 1979. The revisions include of the following elements:

(i) An ozone attainment plan for the Vancouver, Washington, nonattainment area.

(ii) Amendments to WAC 173-490—Volatile Organic Compounds (VOC). On December 17, 1982 EPA published final rulemaking action on the Washington SIP as described below:

- (A) Approval
 - (1) Vancouver Ozone SIP
 - (2) Amendments to WAC 173-490
- 2. Section 52.2472 is amended by revising paragraph (d) to read as follows:

§ 52.2472 Extension.

(d) The Administrator hereby extends the attainment date for ozone in the Vancouver portion of the Portland, Oregon-Vancouver, Washington nonattainment area to December 31, 1987.

3. Section 52.2478 is amended by revising the Portland Interstate AQCR (Washington portion) part of the Table and adding footnote "n."

§ 52.2478 Attainment dates for national standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO ₂		NO _x	CO	O ₃
	1st	2d	1st	2d			
Portland Interstate AQCR: (Washington Portion)							
1. Vancouver, WA TSP area.....	f.....	h.....	c.....	e.....	b.....	b.....	n.....
2. Vancouver, WA O ₃ area.....							
3. Longview, WA TSP area.....	e.....	h.....	e.....	e.....	b.....	b.....	b.....
4. Remainder of AQCR.....	e.....	e.....	e.....	e.....	e.....	b.....	b.....

n. December 31, 1987.
[FR Doc. 82-34296 Filed 12-16-82; 8:45 am]
BILLING CODE 6560-50-M

**GENERAL SERVICES
ADMINISTRATION****41 CFR Part 101-47**

[FPMR Amdt. H-135]

**Utilization of Excess Real Property;
Reimbursement for Excess Real
Property Transfers****AGENCY:** General Services
Administration.**ACTION:** Final rule.

SUMMARY: This regulation requires that Federal agencies be charged 100 percent of estimated fair market value for excess real property transferred to them. In keeping with the Administration's policy of reducing Federal spending and encouraging the optimum use of Federal real property, this regulation imposes a 100 percent reimbursement requirement, with very limited exceptions. This requirement is intended to encourage Federal agencies to scrutinize their real property needs more thoroughly and to develop more meaningful utilization plans, to aid in accomplishing the Administration's objectives.

DATE: Effective December 17, 1982.**FOR FURTHER INFORMATION CONTACT:**
James H. Pitts, Office of Real Property
(202-535-7067).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Current regulations require that Federal agencies be charged 50 percent of the appraised fair market value of excess real property transferred to them, but provide for an exception to that requirement under certain circumstances. In keeping with the Administration's policy of reducing Federal spending and encouraging the

optimum use of Federal real property, this regulation imposes a 100 percent reimbursement requirement, with very limited exceptions. This requirement is intended to encourage Federal agencies to scrutinize their real property needs more thoroughly and to develop more meaningful utilization plans, to aid in accomplishing the Administration's objectives.

List of Subjects in 41 CFR Part 101-47Surplus Government property,
Government property management.

Accordingly, 41 CFR Part 101-47 is amended as follows:

**Subpart 101-47.2—Utilization of
Excess Real Property**

Paragraphs (f)(1) and (f)(2) of § 101-47.203-7 are revised to read as follows:

§ 101-47.203-7 Transfers.

* * * * *

(f) * * *

(1) Where the transferor agency has requested the net proceeds of the transfer pursuant to section 204 (c) of the Act, or where either the transferor or transferee agency (or organizational unit affected) is subject to the Government Corporation Control Act (31 U.S.C. 841) or is a mixed-ownership Government corporation, or the municipal government of the District of Columbia, reimbursement for the transfer shall be in an amount equal to the estimated fair market value of the property requested as determined by the Administrator: *Provided*, That where the transferor agency is a wholly owned Government corporation, the reimbursement shall be either in an amount equal to the estimated fair market value of the property requested, or the corporation's book value thereof, as may be agreed upon by GSA and the corporation.

(2) Reimbursement for all other transfers of excess real property shall be:

(i) In an amount equal to 100 percent of the estimated fair market value of the property requested, as determined by the Administrator, or if the transfer is for the purpose of upgrading facilities (i.e., for the purpose of replacing other property of the transferee agency which because of the location, nature, or condition thereof, is less efficient for use), the reimbursement shall be in an amount equal to the difference between the estimated fair market value of the

property to be replaced and the estimated fair market value of the property requested, as determined by the Administrator.

(ii) Without reimbursement when the transfer is to be made under either of the following conditions:

(A) Congress has specifically authorized the transfer without reimbursement, or

(B) The Administrator with the approval of the Director, Office of Management and Budget, has approved a request for an exception from the 100 percent reimbursement requirement.

(1) A request for exception from the 100 percent reimbursement requirement shall be endorsed by the head of the executive department or agency requesting the exception.

(2) A request for exception from the 100 percent reimbursement requirement will be submitted to GSA for referral to the Director, Office of Management and Budget, and shall include an explanation of how granting the exception would further essential agency program objectives and at the same time be consistent with Executive Order 12348, dated February 25, 1982. The unavailability of funds alone is not sufficient to justify an exception. The above required data and documentation shall be attached to GSA Form 1334 by the transferee agency on submission of that form to GSA.

(3) If the Administrator with the approval of the Director, Office of Management and Budget, approves the request for an exception, the Administrator may then complete the transfer. A copy of the Office of Management and Budget approval will be sent to the Property Review Board.

(4) The agency requesting the exception will assume responsibility for protection and maintenance costs where the disposal of the property is deferred for more than 30 days because of the consideration of the request for an exception to the 100 percent reimbursement requirement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: November 24, 1982.

Ray Kline,*Acting Administrator of General Services.*

[FR Doc. 82-34266 Filed 12-16-82; 8:45 am]

BILLING CODE 6820-96-M

Proposed Rules

Federal Register

Vol. 47, No. 243

Friday, December 17, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 915

Avocados Grown in South Florida; Proposed Amendment to Subpart—Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites written comment on a proposal to modify voting procedures at grower nomination meetings to limit proxy voting to growers residing outside the production area. Such action is designed to encourage more active grower participation at meetings held to nominate grower members of the Avocado Administrative Committee.

DATE: Comments must be submitted on or before January 3, 1983.

ADDRESS: Sent two copies of comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, and will not substantially affect costs for the directly regulated handlers.

This proposed rule is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement

Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Avocado Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The proposed rule would modify voting procedures by limiting proxy voting at grower nomination meetings to those growers who reside outside the production area. Currently, all growers are permitted to vote by proxy at such nomination meetings, including growers residing in the production area. The committee is of the opinion that it is not necessary to extend the privilege of proxy voting to growers residing in the production area. Such growers live relatively close to the place where nomination meetings are held, and should not find it difficult or burdensome to attend such meetings in person. The proposed rule is designed to encourage more active participation at such meetings where growers nominate fellow growers to serve on the committee.

Under the proposal, § 915.115 *Nomination procedure*, would be amended in accordance with § 915.22 *Nomination*, which provides for the establishment of procedural rules for the conduct of nominations.

List of Subjects in 7 CFR Part 915

Marketing agreements and orders, Avocados, Florida.

The proposal would revise paragraph (a) of § 915.115 *Nomination procedure*, under Subpart-Rules and Regulations, to read as follows:

§ 915.115 *Nomination procedure.*

(a) Any grower who resides outside the production area and desires to be represented in a nomination meeting by a duly authorized agent and to have such grower's vote cast by such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Avocado Administrative Committee, as provided in § 915.22(b)(2), shall submit to the committee, not later than January 20, a written statement containing the following:

- (1) Name of grower;
- (2) Mailing address;

(3) Location of each avocado grove (either legal or from established landmarks);

(4) Number of avocado trees owned;

(5) Number of 55-pound units of avocados marketed to date during the current season;

(6) Name of the handler of the fruit marketed;

(7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

* * * * *
Dated: December 13, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 82-34226 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1430

Dairy Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth additional procedures for implementing recent changes in the dairy price support program. These changes are authorized by amendments to the Agricultural Act of 1949 by section 101 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253, 96 Stat. 763, approved September 8, 1982). The provisions which have already been implemented on December 1, 1982, provide that during the period of October 1, 1982, through September 30, 1985, the Secretary of Agriculture may provide for the deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. Deductions are to be remitted to the Commodity Credit Corporation (CCC) to offset a portion of the cost of the price support program. The deductions also are intended to encourage a reduction in milk production. Because of the substantial purchases of dairy products by the CCC under the price support program, the Secretary determined that the deductions should become effective on December 1, 1982, and regulations implementing this phase of the dairy collection plan were published in the

Federal Register on November 30, 1982 (47 FR 53831).

The amendments made to the 1949 Act by the Omnibus Budget Reconciliation Act of 1982 also provide that an additional deduction of 50 cents per hundredweight from the proceeds of all milk marketed by producers may be made during the period of April 1, 1983, through September 30, 1985. However, this additional deduction must be coupled with a program for refunding to producers who reduce their milk marketings the money collected under the second 50-cent deduction. To prepare for the possible implementation of this second phase of the dairy collection plan, proposed regulations to carry out this phase of the plan have been developed by the Department. The proposed regulations are a modification of the regulations already in effect. Comments are invited on the operation of this second phase in the manner set forth in this proposed rule.

DATE: Comments should be received by the Department by February 15, 1983, to be assured of consideration.

ADDRESS: Written comments should be sent to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Leader, Dairy and Sweeteners Group, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7601. The Final Regulatory Impact Analysis describing the action to be taken in this proposed rule and its impact is available from Charles N. Shaw.

SUPPLEMENTARY INFORMATION:

This proposed rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as a "major" action since the rule would result in an annual effect on the economy of \$100 million more.

The title and number of the federal assistance program to which this proposed rule applies are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

Statutory Authority for Proposed Rule

Section 201 of the Agricultural Act of 1949 was amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 to specify that during the period of October 1, 1982, through September 30, 1985, the Secretary of Agriculture may provide for a deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. These deductions are to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the price support program. This authority does not apply for any fiscal year for which the Secretary projects that the annual price support purchases will be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions does not apply for the balance of the year.

Section 201 of the 1949 Act was also amended by the Omnibus Budget Reconciliation Act of 1982 to specify that during the period of April 1, 1983, through September 30, 1985, the Secretary may provide for an additional deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers if (1) a program is established whereby the money collected under this second 50-cent deduction would be refunded to producers who reduce their milk marketings by a specified amount, and (2) the Secretary estimated that price support purchases of dairy products will be at least 7.5 billion pounds milk equivalent during the fiscal year. If at any time during a fiscal year the Secretary estimates that the net price support purchases during that year will be less than 7.5 billion pounds, the authority for making the additional deduction does not apply for the balance of such year.

Summary of Proposed Rule

The proposed rule sets forth the administrative procedures for collecting an additional deduction of 50 cents per hundredweight on all milk sold commercially by producers, which is authorized to begin on April 1, 1983. The collections would be made in the same manner, and in addition to, the initial 50-cent deduction which became applicable on December 1, 1982.

The proposed rule also sets forth the administrative procedures for refunding the second 50-cent deduction to those producers who reduce their marketing of milk by a specified amount. The refund program would be administered by the Agricultural Stabilization and

Conservation Service county committees.

Under the provisions of the 1949 Act, the base period for determining the amount of any reduction which is specified may be either the fiscal year beginning October 1, 1981, or the average of the two fiscal years beginning October 1, 1980. In order to present a more balanced picture of milk marketings and to reduce the effects on total marketings with respect to those producers who may have increased their milk marketings in order to obtain the highest base possible, it is proposed that the base period for determining the amount of any specified reduction shall be the average of the producer's marketings for the two marketing years beginning October 1, 1980. Producers would have to furnish evidence of their monthly marketings of milk to the ASCS county committees in order to establish a producer base. A producer's marketings would be averaged by calendar months and the monthly averages would be totaled for an annual average so that if a refund program is to be in effect for less than a year, the required reduction can be based on the comparable months of the producer's base period. Refunds would be made only to those producers who reduce their marketings from the established base by the percentage reduction specified by the Secretary. There would be no partial refunds for any reduction in marketings by producers relative to the established base for less than the specified percentage reduction.

Under the proposed rule, a transfer of producer base would be permitted with respect to dairy farm operations only where there has been a change of ownership and operation of the entire farm since the beginning of the base period and where a continuity of the enterprise can be traced by the county committee, such as those situations where a farm is inherited or a complete dairy operation is sold. While this proposal would allow a transfer of producer bases under limited circumstances, the calculation of a producer base for a producer who has acquired only a portion of a dairy farm operation since the beginning of the base period would not take into consideration the history of the marketings from that portion of the dairy operation which the producer has acquired.

The provisions of the 1949 Act specify that the Secretary may not require that producers, as a condition for receiving refunds, reduce their marketings in excess of a reduction equivalent to the ratio that the total amount of surplus

milk production, as estimated by the Secretary for the fiscal year, bears to the total milk production estimated for such period.

Any accounting and refund resulting from a reduction by a producer in milk marketings would be made after the end of the fiscal year (i.e., the concurrent marketing year) when evidence is submitted to the ASCS county office of the milk which is marketed by the producer, and the deductions made from those marketings during the year. During any period when the refund program is in effect for less than a fiscal year, producers would have to submit evidence of milk marketings and the deductions from the sales proceeds for such period to the county office after the last month during which the refund program is in effect in order to be eligible to receive a refund for such period.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Proposed Rule

Accordingly, it is proposed that in 7 CFR Part 1430, the subpart titled "Regulations Governing Certain Deductions on Milk Marketings of Producers" be revised to read as follows:

Subpart—Regulations Governing Certain Deductions on Milk Marketings of Producers

Sec.	
1430.291	General statement.
1430.292	Definitions
1430.293	Period of applicability.
1430.294	Responsibility for administration of regulations.
1430.295	Remittance of producer deductions to CCC.
1430.296	Procedures for establishing producer bases.
1430.297	Determination of required reduction.
1430.298	Refund procedure
1430.299	Responsibility for records and facilities.
1430.300	Adjustment of accounts for responsible persons.
1430.301	Charges and penalties.
1430.302	Continuing obligations.
1430.303	Limitation of authority.
1430.304	Estates and trusts; minors.
1430.305	Appeals.
1430.306	Setoffs.
1430.307	Overdisbursement.
1430.308	Death, incompetency, or disappearance.
1430.309	Assignment.
1430.310	Instructions and forms.

Authority: Sec. 201(d) Agricultural Act of 1949, as amended, (7 U.S.C. 1446); Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714 et seq.).

Subpart—Regulations Governing Certain Deductions on Milk Marketings of Producers

§ 1430.291 General statement.

This subpart provides for the implementation of the following provisions of the dairy price support program as authorized by section 201 of the Agricultural Act of 1949, as amended (referred to hereafter as the "Act"):

(a) Section 201(d)(2) of the Act provides that during the period of October 1, 1982, through September 30, 1985, the Secretary may provide for a deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers, including producers who market milk of their own production directly to consumers. The deductions are to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the dairy price support program. The Act also provides that the Secretary's authority for requiring such deductions shall not apply for any fiscal year for which the Secretary estimates that the net price support purchases of milk or the products of milk will be less than 5 billion pounds milk equivalent. In addition, if at any time during a fiscal year the Secretary should estimate that such net price support purchases during the fiscal year will be less than 5 billion pounds milk equivalent, the Secretary's authority for requiring such deductions shall not apply for the balance of the fiscal year.

(b) Section 201(d)(3) of the Act provides that during the period of April 1, 1983, through September 30, 1985, the Secretary may provide for an additional deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers, including producers who market milk of their own production directly to consumers. The deductions are to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the dairy price support program. The Act provides, however, that such deductions shall be implemented only if the Secretary establishes a program whereby the funds resulting from such deductions are refunded to producers who reduce their commercial marketings from such marketings during a base period, and if the Secretary estimates that the net price support purchases of milk or the products of milk will be at least 7.5 billion pounds milk equivalent during the applicable fiscal year. The Act also provides that if at any time during a fiscal year the Secretary should estimate that such net price support purchases during the fiscal year will be less than 7.5 billion pounds milk

equivalent, the Secretary's authority for requiring such deductions shall not apply for the balance of the fiscal year.

§ 1430.292 Definitions.

For purposes of this subpart, the terms listed below shall have the following meanings:

(a) "United States" means the 50 states of the United States of America, the District of Columbia, Puerto Rico, and the affected territories of the United States of America.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(d) "CCC" means the Commodity Credit Corporation.

(e) "ASCS" means the Department's Agricultural Stabilization and Conservation Service.

(f) "State committee" means an ASCS State committee.

(g) "County committee" means an ASCS county committee.

(h) "Dairy Division" means the Dairy Division of the Department's Agricultural Marketing Service.

(i) "Person" means any individual, partnership, corporation, association, or other business or governmental unit.

(j) "Responsible person" means:

(1) Any person who pays a producer for milk marketed commercially by the producer. This shall include a handler regulated under a Federal milk order to the extent of any payments for milk that are transmitted by the handler to the market administrator for transmittal by the market administrator to individual producers.

(2) Any producer with respect to milk of his own production that he markets commercially in the form of milk or milk products to consumers, either directly or through retail or wholesale outlets.

(k) "Producer" means any person within the United States who produces milk from cows.

(l) "Participating producer" means a producer who reduces his milk marketings and claims a refund.

(m) "Deduction" means that amount which is deducted in accordance with § 1430.291 from the proceeds of the sale of all milk marketed commercially by producers.

(n) "Marketing year" means the 12-month period beginning October 1 and ending September 30.

(o) "Base period" means the 24-month period beginning October 1, 1980, and ending September 30, 1982.

(p) "Producer base" means the 2-year average of the amount of milk marketed during the months of the base period which are comparable to the months for which a producer is requesting a refund.

(q) "Surplus" means the milk equivalent of the dairy products which the Secretary estimates will be purchased by the CCC during the applicable marketing year.

(r) "Required reduction" means the amount of reduction in the milk marketed commercially by a producer in order for the producer to be eligible to receive a refund of the deductions described in § 1430.291(b).

(s) "Refund" means the money that is returned to a producer who reduces his marketings by the required reduction announced by the Secretary.

§ 1430.293 Period of applicability.

The provisions of this subpart shall apply only to the milk that is marketed commercially by producers in the United States during those months for which the Secretary has announced that the deductions described in § 1430.291 are required.

§ 1430.294 Responsibility for administration of regulations.

(a) The Dairy Division shall have the responsibility for administering the provisions of this subpart which relate to the collection of the deductions described in § 1430.291.

(b) The county committees shall have the responsibility for administering the provisions of this subpart which relate to the establishment of bases and the refund of the deductions described in § 1430.291(b).

§ 1430.295 Remittance of producer deductions to CCC.

The following procedures shall apply with respect to remitting to the CCC the deductions described in § 1430.291:

(a) Each responsible person who pays a producer for milk marketed commercially during the month shall remit to the CCC by the last day of the following month, or at the time of making final payment to the producer for such milk, whichever is earlier, an amount equal to the quantity of milk for which payment to the producer is being made times the following amount:

(1) 50 cents per hundredweight if only the deductions described in § 1430.291(a) are applicable.

(2) \$1.00 per hundredweight if the deductions described in both paragraphs (a) and (b) of § 1430.291 are applicable.

(b) Each responsible person who markets milk of his own production to

consumers (either directly or through retail or wholesale outlets) in the form of milk or milk products during the month shall remit to the CCC by the last day of the following month an amount equal to the quantity of such person's own production used in such marketings times the following amount:

(1) 50 cents per hundredweight if only the deductions described in § 1430.291(a) are applicable.

(2) \$1.00 per hundredweight if the deductions described in both paragraphs (a) and (b) of § 1430.291 are applicable.

(c) When remitting money to the CCC in accordance with paragraphs (a) and (b) of this section, each responsible person shall file a report prescribed by the Dairy Division showing:

(1) The identity of the responsible person, including such person's business address;

(2) The month in which the applicable producer marketings occurred; and

(3) The total pounds of milk to which the remittance applies.

(d) Money remitted to the CCC shall be in the form of a check made payable to "Commodity Credit Corporation."

(e) Checks and reports required under this section shall be mailed to the location designated by the Dairy Division.

§ 1430.296 Procedures for establishing producer bases.

(a) Each producer who desires a refund shall be responsible for establishing his monthly marketings of milk during the base period with the county committee for the county where the producer's dairy farm is headquartered. From the producer's marketing records, the county committee shall determine 2-year monthly averages and a 2-year 12-month average of the producer's marketings during the base period.

(b) In a marketing year in which the deductions described in § 1430.291(b) are in effect for a period of less than 12 months, only the comparable months of the base period shall be used to determine the producer's base.

(c) If a producer has acquired a complete dairy operation (i.e., land, equipment, and dairy cattle) from another producer, the producer base of the acquiring producer may be increased by the producer base of the former owner. Such a transfer of producer base will be reviewed by the county committee in the county where the acquiring producer's dairy farm is located and will be approved by the committee only if there are adequate records to establish the base of the former owner.

§ 1430.297 Determination of required reduction.

The required reduction for any marketing year shall be the milk equivalent of the estimated CCC net removals of dairy products compared with the estimated production of milk in the United States for the marketing year, or portion thereof, in which the deductions described in § 1430.291(b) are in effect. The required reduction percentage shall be announced by the Secretary in a notice published in the Federal Register prior to the beginning of any marketing year, or portion thereof, in which the deductions described in § 1430.291(b) are in effect. The required reduction shall not be larger than the ratio that the estimated surplus milk production bears to the estimated milk production for the applicable marketing year, or portion thereof.

§ 1430.298 Refund procedure.

(a) A refund of the amount deducted from a producer's proceeds in accordance with § 1430.291(b) shall be made only if the producer has reduced his milk marketings relative to his producer base by the required reduction which is determined and announced in accordance with § 1430.297.

(b) A refund may be requested only after the end of the applicable marketing year, or portion thereof, in which the deductions described in § 1430.291(b) are in effect.

(c) A refund shall be made only if a producer provides the county committee with records that adequately show (1) the producer's milk marketings during the applicable marketing year, or portion thereof, in which the deductions described in § 1430.291(b) are in effect and (2) the amount of the deduction actually withheld during the period for which he is applying for a refund.

§ 1430.299 Responsibility for records and facilities.

(a) *Records to be maintained.* Each responsible person, as well as each producer who is granted a refund, shall maintain records in a manner that will demonstrate compliance with the provisions of this subpart.

(b) *Availability of records and facilities.* Each responsible person, as well as each producer who is granted a refund, shall make available all records and facilities pertaining to such person's or producer's operations that are necessary to determine compliance with the provisions of this subpart.

(c) *Retention of records.* All records required under this subpart shall be retained by each responsible person, as

well as each producer who was granted a refund, for a period of three years that shall begin at the end of the month to which such records pertain, unless the Department notifies the responsible person or producer that such records are necessary in connection with litigation for a longer period. In such case, the records shall be retained until the litigation is terminated or a waiver is granted by the Department.

§ 1430.300 Adjustment of accounts for responsible persons.

Whenever the Department determines through an audit of a responsible person's reports, records, books or accounts or through some other means that additional money is due the CCC or that money is due such person from the CCC, the responsible person shall be notified of the amount due. The responsible person shall then remit any amount due the CCC by the next date for remitting deductions as provided in § 1430.295. Overpayments shall be credited to the account of the responsible person remitting the overpayment and shall be applied against amounts due in succeeding months or refunded if this subpart is not applicable in succeeding months.

§ 1430.301 Charges and penalties.

(a) *Charge for dishonored checks.* Each responsible person who issues a check to the CCC that is not honored because of insufficient funds shall be assessed a charge of \$25.00.

(b) *Late-payment charge.* Any unpaid obligation of a responsible person that is due the CCC in accordance with § 1430.295 shall be increased by a late-payment charge which shall be applied on the first day after the date such obligation was due and on the same day of each succeeding month until such obligation is paid. The total obligation due from such person shall include any unpaid charges computed previously under this paragraph. The charge shall be an amount equal to one-twelfth (rounded to the nearest one-hundredth of one percent) of the annual rate of interest announced by the CCC under 7 CFR 1403.5. The timeliness of a payment to the CCC shall be based on the applicable postmark date.

(c) *Penalties.* Any responsible person who willfully violates any provision of this subpart, including the willful failure or refusal to remit any amounts due the CCC, shall be liable, in addition to payment of the full amount due plus the applicable late-payment charge, for a penalty to be assessed by the Secretary of not more than \$1,000 for each such violation and also remedies otherwise provided by law or in equity.

§ 1430.302 Continuing obligations.

Obligations of any responsible person, as well as any producer who was granted a refund, that arise under this subpart shall continue in effect until the final disposition of such obligations even though the deductions described in § 1430.291 may no longer be required.

§ 1430.303 Limitation of authority.

(a) State and county committees or their designees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) A State committee may take any action authorized or required by the regulations in this subpart to be taken by a county committee when such action has not been taken by the county committee. A State committee may also: (1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or county committee shall preclude the ASCS Deputy Administrator, State and County Operations, or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee.

§ 1430.304 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purpose of this subpart, be considered to represent an insolvent participating producer and the beneficiaries of a trust, respectively, and the production of the receiver or trustee shall be considered to be the production of the producer such receiver or trustee represents. Program documents executed by the receiver or trustee will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) A participating producer who is a minor shall be eligible for a refund pursuant to the regulations in this subpart only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 1430.305 Appeals.

The appeal regulations found at 7 CFR Part 780 shall be applicable to appeals by participating producers from determinations made pursuant to the regulations in this subpart.

§ 1430.306 Setoffs.

(a) If a participating producer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, any refund which is due such producer under the regulations in this subpart shall be applied to such indebtedness in accordance with the provisions of 7 CFR Part 713, Setoff and Withholdings.

(b) Compliance with the provisions of this section shall not deprive a participating producer of any right which such participating producer would otherwise have to contest the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1430.307 Overdisbursement.

If a refund is disbursed to a participating producer which exceeds the amount of such refund which is authorized to be disbursed to the participating producer under the regulations in this subpart, the participating producer shall be personally liable for repayment of the amount of such excess.

§ 1430.308 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any participating producer who is entitled to a refund, such refund may be made to the person or persons who are specified in the regulations which are found at 7 CFR Part 707. The person requesting such refund shall file Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 1430.309 Assignment.

Any producer who may be entitled to a refund may assign his rights to such refund in accordance with the regulations governing assignment of payment as set forth in 7 CFR Part 709.

§ 1430.310 Instructions and forms.

The ASCS Deputy Administrator, State and County Operations, shall cause to be prepared such forms and instructions as are necessary for establishing bases and making refunds as described in § 1430.291(b). Participating producers may obtain from the county ASCS office the information which is necessary to make application

for a refund in accordance with the provisions of this subpart.

Signed at Washington, D.C. on: December 14, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-34290 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1700

REA Bulletins; Proposed Codification

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Rural Electrification Administration (REA) proposes to add material to 7 CFR Part 1700. The material to be added represents the codification of the agency's existing bulletins which have been issued to implement the procedures set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans. These bulletins are currently approved for "incorporation by reference" and are listed in Appendix A—REA Bulletins to 7 CFR Part 1700.

DATE: Comments by January 3, 1983.

FOR FURTHER INFORMATION CONTACT:

Blaine D. Stockton, Jr., Assistant Administrator, Management, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382-9552.

SUPPLEMENTARY INFORMATION:

REA currently issues a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loans and loan guarantee programs and the security instruments which provide for and secure REA financing. At the present time, these bulletins have been approved by the Director, Office of the Federal Register, for incorporation by reference (IBR) to 7 CFR Part 1700 and are listed in Appendix A—REA Bulletins to Part 1700. Upon review, the Director, Office of the Federal Register, has notified REA that several of its bulletins are no longer appropriate material for incorporation by reference. REA has decided to review its bulletins and codify those bulletins which are the Agency's " * * * statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice

requirements * * * REA anticipates that this review and codification process will take approximately 12 months. Therefore, REA will be initiating the process as soon as possible.

REA intends to solicit comments on any proposed substantive changes to any bulletin and encourages public participation in all proposals published in the Federal Register. However, it should be noted that some bulletins will only be reformatted for publication in the Federal Register and will be published as final rules.

Interested persons are invited to submit comments concerning this notice to the address shown in "FOR FURTHER INFORMATION CONTACT."

Dated: December 10, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-34176 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Proposed Revision of License Fee Schedules; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule published in the Federal Register on November 22, 1982 (47 FR 52454), that would revise license fee schedules. The action is necessary to correct typographical errors and omissions.

FOR FURTHER INFORMATION CONTACT:

William O. Miller, License Fee Management Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7225.

SUPPLEMENTARY INFORMATION: The proposed rule entitled "Proposed Revisions of License Fee Schedules" that would amend 10 CFR Part 170 was published on pages 52454 through 52466 of the Federal Register on November 22, 1982. The following corrections to this proposed rule are listed, by page, table number, category, and item as applicable:

1. Page 52456, Table 5, an "x" should appear in the "Excluded" column for the Offices of Inspector and Auditor, etc.

2. Page 52458, Table 9—

(a) The description of the second item under Category 1A is corrected to read ">5 Kg U-235 for fuel fabrication (<20 pct)."

(b) The description of the third item under Category 1A is corrected to read ">2 Kg Pu for fuel fabrication."

(c) The description of the fourth item under Category 1A is corrected to read ">5 Kg U-235 or >2 Kg U-233 other than fuel fabrication."

(d) For the seventh item under Category 1A, "Safety," the amount shown in the third column under routine inspection should read "\$3,600" rather than "\$360."

3. Page 52458, Materials Licenses—In the first paragraph, the last sentence beginning with "Fees for applications" should be replaced with the following sentence: Fees for applications for new licenses and approvals which are not currently based on actual costs and fees for applications for renewals and amendments which are on file with the Commission and pending review at the time the proposed rule becomes effective will be limited to the maximum fees prescribed in the March 23, 1978 schedule.

4. Page 52459, Table 10—

(a) The description of the third item under Category 1A should read ">2 Kg Pu for fuel fabrication" rather than "1>2 Kg for fuel fabrication."

(b) The description of item 6 under Category 1A is corrected to read "200 grams to <2 Kg of Pu."

(c) For item 2 under Category 4A—"Low level waste storage at power reactor sites," the footnote designator shown in the column under the heading "Renewals—Current March 1978 schedule" should read footnote "2" rather than footnote "3".

(d) The first sentence in footnote 2 at the end of Table 10 should read "Special Projects based on actual cost" rather than "Special project on actual cost."

5. Page 52464, 10 CFR 170.31—

(a) Category 3F—The application fee should read "\$580" rather than "\$580, P\$350, P\$230." The renewal fee should be added to read "\$350"; the amendment fee should be added to read "\$230."

(b) Category 3G—The application fee should read "\$2,300" rather than "\$930"; the renewal fee should read "\$930" rather than "\$230"; and the amendment fee should be added to read "\$230."

(c) Category 3I—The amendment fee should read "\$60" rather than "\$30."

6. Pages 52465 and 52466, 10 CFR 170.32—

(a) Category 2A—In the second line the word "or-buying" should be corrected to read "ore-buying," and the word "ource" should be corrected to read "source."

(b) Category 3B—Footnote designator "3" should be added to the nonroutine inspection fee of \$900.

(c) Category 4A—Footnote designator "2" rather than footnote "1" should appear after the words "Actual Cost" for both routine and nonroutine inspections.

(d) Category 7—The second "of" in the heading should be corrected to read "or."

(3) Category 7A—The nonroutine inspection fee should read "\$850" rather than "\$830."

Dated at Washington, D.C., this 8th day of December 1982.

For the Nuclear Regulatory Commission,
William J. Dircks,
Executive Director for Operations.

[FR Doc. 82-34316 Filed 12-16-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 929

[Docket No. 21116-229]

Key Largo National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed rule.

SUMMARY: These regulations make minor revisions and clarifications to the present interim-final regulations defining which activities are allowed and which are prohibited within the Key Largo National Marine Sanctuary, the procedures by which persons may obtain permits for research or activities normally prohibited, and the penalties for committing prohibited acts without a permit. The regulations also revise the format of the existing regulations to make them more consistent with regulations in more recently designated national marine sanctuaries.

DATE: Comments will be accepted until January 1983. After the close of the comment period and review of comments received, final regulations will be published in the Federal Register.

ADDRESS: Send comments to: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Franklin D. Christhilf (202) 634-4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434 (the Act) authorizes the Secretary of Commerce, with Presidential

approval, to designate ocean waters as far seaward as the outer edge of the continental shelf as marine sanctuaries to preserve or restore distinctive conservation, recreational, ecological, or aesthetic values. Section 302(f)(1) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

On December 18, 1975, the Key Largo National Marine Sanctuary (the Sanctuary) was designated, and on January 13, 1976, NOAA published interim-final regulations (41 FR 2379) pursuant to the authorities of Sections 302(f), 302(g) and 303 of the Act. Since NOAA never issued final rules, these regulations are being published as proposed rules to allow interested parties the opportunity to comment. These regulations respond to comments received on certain sections of the interim-final regulations and certain issues that have arisen since designation. Following the 60 day comment period, these proposed rules may be amended at the Assistant Administrator's discretion to reflect comments received. The Assistant Administrator shall then publish final regulations in the Federal Register.

Discussion of Issues

(a) *Boundaries:* One reviewer of the interim-final regulations called attention to an apparent error in the description of the boundaries of the Sanctuary. The apparent discrepancy results from an error on NOAA chart 11462 (formerly C&GS 1249) and has been corrected in the 14th Edition, August 1977, NOAA Chart 11462, to be consistent with the boundary description as published in the rules and regulations for the Sanctuary.

(b) *Removal or Damaging of Natural Features and Marine Life—Taking of Spiny Lobster:* Although NOAA has not received formal comments, it understands that many recreational divers believe that the existing interim regulation which prohibits taking spiny lobster by hand is unfair and discriminatory. There is concern among resource managers that lobster stocks in the Sanctuary are low and may not withstand additional harvest pressure. NOAA does not have enough scientific evidence to support either claim and therefore proposes to conduct a baseline

population study to gather information on stock abundance and natural fluctuation. Until adequate data are available, NOAA intends to rely upon regulations implemented pursuant to the Spiny Lobster Fishery Management Plan in the Gulf of Mexico and South Atlantic.

(c) *Use of Harmful Fishing Methods—Wire Fish Traps:* NOAA has been requested by the Superintendent of the adjacent John Pennekamp Coral Reef State Park and others to clarify that the taking of fish by means of wire traps is prohibited, a prohibition that is consistent with State park regulations and Federal regulations at the nearby Biscayne National Park. NOAA has rewritten § 929.7 to clarify that taking by this method is prohibited. It should be noted that the new language merely clarifies the prohibition under the existing regulations and does not add any new restriction.

(d) *Use of Harmful Fishing Methods—Nets:* NOAA also has been requested to clarify the prohibition on taking of fish by means of nets. NOAA has rewritten § 929.7 to clarify that taking of fish by bottom trawls, dredges, fish sleds, or other similar vessel-towed or anchored fishing gear or net that comes in contact with the seafloor is prohibited. A prohibition on the use of the hand-held nets to collect tropical fish is covered under § 929.7(1)(c). It should be noted that the new language merely clarifies what is a prohibition under the existing regulations and does not add new restrictions.

(e) *Utilization of Certain Living Resources for Scientific and Educational Purposes:* The principal comment on the interim-final regulations, submitted by six commentators, was that taking of tropical fish and certain invertebrates except "for the purpose of research related to the resources of the Sanctuary" was precluded, thus preventing taking for public display or educational purposes at public aquaria or universities. These commentators agreed that commercial taking of large numbers of these resources should be prohibited, but agreed that the wording of the regulations was too restrictive. NOAA appreciates these concerns and has rewritten § 929.10 to make the language consistent with regulations for other established sanctuaries where taking for scientific and educational purposes includes taking for legitimate public display and other related purposes and is allowed by permit.

(f) *Appeals of Administrative Actions:* Section 929.11 has been rewritten to provide that any interested party can

appeal a permit decision to the Administrator of NOAA, also to establish that a hearing is discretionary. These changes are in line with the permit appeals procedure established for the sanctuary program generally.

(g) *Format*: The regulations have been revised for purposes of clarity by using separate sections to define permitted and prohibited uses and by adding a purpose section (929.2).

Other Matters

Executive Order 12291 (E.O. 12291) defines a "major rule" as "any regulation that is likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete in domestic or export markets." The economic activity supported by the area within the Sanctuary consists of a diversity of commercial and recreational activities.

The economic impacts on affected activities in the Sanctuary are minor and regulations do not restrict recreational activities. Fishing with traps, spearfishing, and "tropical fish" taking are already prohibited by regulation.

Because the majority of the activities are already regulated by other authorities, not regulated at all, or regulated by Sanctuary authority consistent with those proposed to take effect, the Acting Assistant Administrator has determined that this is not a "major rule" under Executive Order 12291. For the same reasons, the Acting Assistant Administrator has determined that the proposed rules will not have a significant economic impact on small entities in the Sanctuary under the Regulatory Flexibility Act. These regulations will impose no information collection requirements of the type covered by Pub. L. 96-511 on affected State governments. Publication does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required.

List of Subjects in 15 CFR Part 929

Administrative practice and procedure, Environmental protection, Marine resources, and Natural resources.

(Federal Domestic Assistance Catalog Number 11.419 Coastal Zone Management Program Administration)

Dated: November 1, 1982

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

Accordingly, it is proposed to revise Part 929 to read as follows:

PART 929—KEY LARGO NATIONAL MARINE SANCTUARY PROPOSED REGULATIONS

Sec.	
929.1	Authority
929.2	Purpose.
929.3	Boundaries.
929.4	Definitions.
929.4	Management and enforcement.
929.6	Allowed activities.
929.7	Activities prohibited or controlled.
929.8	Other authorities.
929.9	Penalties for commission of prohibited acts.
929.10	Permit procedures and criteria.
929.11	Appeals of administrative action.

Authority: Secs. 302f, 302g, 303, Pub. L. 92-532, 86 Stat. 1061, 1062 (16 U.S.C. 1431-1434).

§ 929.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of Section 302(a) of the Marine Protection, Research and Sanctuaries Act of 1972 as amended (the Act). The following regulations are issued pursuant to the authorities of Sections 302(f), 302(g) and 303 of the Act.

§ 929.2 Purpose.

The purpose of designating the Key Largo National Marine Sanctuary is to protect and preserve the coral reef ecosystem in its natural state and to regulate uses within the Sanctuary to insure the health and well-being of the coral and associated flora and fauna.

§ 929.3 Boundaries.

The Sanctuary consists of a portion of the Atlantic Ocean beginning at approximately three miles east of Key Largo, Florida adjacent to the John Pennekamp Coral Reef State Park. The coordinates for the Sanctuary are: the point of beginning (POB) is at geographic coordinates 25° (degrees), 19.45' (minutes) north latitude, 80°, 12.0' west longitude, said point being the northeast boundary corner of John Pennekamp Coral Reef State Park. From said POB run thence southeasterly to geographic coordinates 25°, 16.2' north latitude 80°, 8.7' west longitude, said point also being on the 300 foot isobath, thence in a southwesterly direction to geographic coordinates 25°, 07.5' north latitude, 80°, 12.5' west longitude, thence again run in a southwesterly direction to geographic coordinates 24°, 58.3' north latitude 80°, 19.8' west longitude, thence leaving said 300 foot isobath run

northwesterly to geographic coordinates 25°, 2.2' north latitude 80°, 25.25' west longitude, said point being the southeast boundary corner of John Pennekamp Coral Reef State Park, thence in a northeasterly direction along said easterly boundary of said State Park to the POB.

§ 929.4 Definitions.

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA).

(b) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration or his/her successor, or designee.

(c) "Persons" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any State or local unit of the government.

(d) "The Sanctuary" means the Key Largo National Marine Sanctuary.

(e) "Tropical fish" means fish and invertebrates of minimal sport and food value, usually brightly colored, often used for aquaria purposes and which live in a close interrelationship with corals and coral reef substrates.

§ 929.5 Management and enforcement.

The National Oceanic and Atmospheric Administration (NOAA) has primary responsibility for the management of the Sanctuary pursuant to the Act. The Florida Department of Natural Resources (FDNR), Division of Recreation and Parks, assists NOAA in the administration of the Sanctuary, and acts as the onsite manager, in conformance with a cooperative agreement between the State of Florida and NOAA. The U.S. Coast Guard and Division of Recreation and Parks (FDNR) shall conduct surveillance and enforcement of these regulations pursuant to 14 U.S.C. 89, 16 U.S.C. 1432(f)(4), 16 U.S.C. 7421(b), 16 U.S.C. 3375(a), or other appropriate legal authority.

§ 929.6 Allowed activities.

All activities except those specifically prohibited by § 929.7 may be carried on within the Sanctuary subject to all prohibitions, restrictions, and conditions imposed by other authorities.

§ 929.7 Activities prohibited or controlled.

(a) Unless permitted by the Assistant Administrator in accordance with § 929.10, or as may be necessary for the national defense, or to respond to an

emergency threatening life, property or the environment, the following activities are prohibited or controlled within the Sanctuary. All prohibitions and controls must be applied consistently with international law. Refer to § 929.9 for penalties for commission of prohibited acts.

(i) *Removal or damaging of natural features and marine life.* (A) No person shall destroy, injure, harmfully disturb, break, cut or similarly damage or remove any coral or other marine invertebrate, or any plant, soil, rock, or other material. Divers are prohibited from handling coral formations, standing on coral formations, or otherwise disturbing the corals.

(ii) Commercial taking of stone crab, crawfish, and spiny lobster by trap and recreational taking of spiny lobster by hand which is consistent with both the applicable regulations under the appropriate Fishery Management Plan and these regulations is allowed.

(iii) No person shall catch or collect any tropical fish.

(iv) There shall be a rebuttable presumption that any items listed in these paragraphs found in the possession of a person within the Sanctuary have been collected or removed from within the Sanctuary.

(2) *Dredging, filling, excavating and building activities.* No person shall dredge, excavate, fill or otherwise alter the seabed in any way nor construct any structure of any kind, whether permanent or temporary, with the exception of navigation aids.

(3) *Discharges.* No person shall deposit or discharge any materials or substance of any kind into the waters of the Sanctuary. The only exceptions are:

- (i) Indigenous fish or fish parts and chumming materials;
- (ii) Cooling waters from vessels; and
- (iii) Effluent from marine sanitation devices approved by the United States Coast Guard.

(4) *Removal or damage of archaeological and historical resources.* No person shall remove, deface, damage, or tamper with archaeological or historical resources or the cargo of any submerged wrecks or other historical resources within the boundaries of the Sanctuary.

(5) *Tampering with markers.* No person shall mark, deface or damage in any way whatsoever, or displace, remove or tamper with any signs, notices or placards, whether temporary or permanent, or with any monuments, stakes, posts or other boundary markers installed by the Sanctuary Manager, or trap floats placed for the purpose of lobster fishing.

(6) *Use of harmful fishing methods.* No person shall carry or possess, except while passing through the Sanctuary or for law enforcement purposes, the following firearms or weapons: pole spears, air rifles, bows and arrows, slings, Hawaiian slings, rubber-powered arbalists, pneumatic and spring loaded guns, explosive powered guns or similar devices known as spearguns. No person shall use within the Sanctuary:

- (i) Wire fish traps;
- (ii) Bottom trawls, dredges, fish sleds, or similar vessel-towed or anchored bottom fishing gear or net; or
- (iii) Poisons, electric charges, explosives or similar devices.

(7) *Operation of watercraft and anchoring.* All watercraft shall be operated in accordance with applicable Federal rules and regulations. The following additional regulations apply within the boundaries of the Sanctuary.

(i) Watercraft shall be operated to avoid striking or otherwise causing damage to the natural features of the Sanctuary.

(ii) No anchor shall be cast or dragged in such a way as to damage any coral reef formations. Anchors shall be dropped on sand flats off the reefs and placed to avoid dragging into the coral formations.

(iii) Watercraft must use mooring buoys, stations or anchoring arms when such facilities and areas have been designated and are available.

(iv) Within 100 yards of divers, sightseeing boats or fishermen, no watercraft shall be operated at greater than 4 knots or in any manner to create a wake, except by law enforcement officials while in the performance of their official duties.

(v) All watercraft from which diving operations are being conducted shall fly in a conspicuous manner, the red and white "divers down" flag. Divers shall stay within 100 yards of their diving flag.

(8) *Use of dangerous weapons.* Except for law enforcement purposes, no person shall use or discharge explosives or weapons of any description within the Sanctuary boundaries. Distress signaling devices, necessary and proper for safe vessel operation, and knives generally used by fishermen and swimmers are not considered weapons for purposes of this Subsection.

(b) The Sanctuary may be closed to public use in the event of emergency conditions endangering life or property. The Assistant Administrator or his/her representative may also close certain areas in order to: (i) Permit recovery of the living resources from overuse, or (ii) provide for scientific research relating to protection and management. However,

the total closed area shall not exceed a size necessary to accomplish these purposes. Public notice of closures will be through the local news media and posting of placards at the John Pennekamp Coral Reef State Park, if deemed necessary.

(c) The regulation of activities within the Sanctuary shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be conducted consistently with all regulations to the maximum extent possible.

(d) The prohibitions in this Section are not based on any claim of territoriality and will be applied to foreign persons and vessels only in accordance with recognized principles of international law, including treaties, conventions and other international agreements to which the United States is signatory.

§ 929.8 Other authorities.

No license, permit or other authorization issued pursuant to any other authority may validly authorize any activity prohibited by § 929.7 unless such activity meets the criteria stated in § 929.10 (c) and (d), and is specifically authorized by the Assistant Administrator.

§ 929.9 Penalties for commission of prohibited acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than \$50,000 for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding *in rem* against any vessel used in violation of any such regulation. Procedures are set out in Subpart D of Chapter 15 CFR Part 922. Subpart D is applicable to any instance of a violation of these regulations.

§ 929.10 Permit procedures and criteria.

(a) Any person in possession of a valid permit issued by the Assistant Administrator in accordance with this section may conduct the specific activity in the Sanctuary including any activity specifically prohibited under § 929.7, if such activity is: (1) Research related to the resources of the Sanctuary, (2) to further the educational value of the Sanctuary, or (3) for salvage or recovery operations.

(b) Permit applications shall be addressed to the Assistant Administrator, Attn: Sanctuary Programs Office, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235. An application shall include a description of all activities proposed,

the equipment, methods, and personnel (particularly describing relevant experience) involved, and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

(c) In considering whether to grant a permit, the Assistant Administrator shall evaluate such matters as: (1) The general professional and financial responsibility of the applicant; (2) the appropriateness of the methods being proposed to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, education, or scientific information; and (4) the end value of the activity.

(d) Permits may be issued by the Assistant Administrator for activities otherwise prohibited under § 929.7. In addition to meeting the criteria in 929.10(c), the applicant must also satisfactorily demonstrate to the Assistant Administrator: (1) That the activity shall be conducted with adequate safeguards for the environment, and (2) that the environment shall be returned to the condition which existed before the activity occurred. A permit issued according to the provisions for an otherwise prohibited activity shall be appropriately conditioned, and the activity monitored to ensure compliance.

(e) In considering an application submitted pursuant to this section, the Assistant Administrator may seek and consider the views of Fishery Management Councils and any other person or entity, within or outside of the Federal Government, and may hold a public hearing, as he/she deems appropriate.

(f) The Assistant Administrator may, at his/her discretion, grant a permit which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as deemed necessary, and shall attach to any permit granted for research related to the Sanctuary stipulations to the effect that: (1) The Assistant Administrator or a designated representative may observe any activity permitted by this section; and (2) any information obtained in the research site shall be made available to the public; and/or the submission of one or more reports of the status of progress of such activity may be required.

(g) A permit granted pursuant to this section is nontransferable.

(h) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this Section, in whole or in part, temporarily or indefinitely if, in his/her view, the permit holder (the Holder) had acted in

violation of the terms of the permit or of the applicable regulations; or the Assistant Administrator may do so for other good cause shown. Any such action shall be communicated in writing to the Holder, and shall set forth the reason(s) for the action taken. The Holder in relation to whom such action has been taken may appeal the action as provided for in § 929.11.

§ 929.11 Appeals of Administrative Action.

(a) The applicant for a permit, the Holder, or any other interested person (hereafter Appellant) may appeal the granting, denial, conditioning or suspension of any permit under § 929.10 to the Administrator of NOAA. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefor, and shall be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this Section, the Administrator may request the Appellant, and the permit applicant or Holder if other than the Appellant, to submit such additional information and in such form as will allow action upon the appeal. The Administrator shall decide the appeal using the criteria set out in § 929.10(c), any information relative to the application of file, any information provided by the Appellant, and such other consideration as is deemed appropriate. The Appellant shall notify the Appellant of the final decision and the reason(s) therefor, in writing normally within 30 days of the date of the receipt of adequate information required to make the decision.

(c) If a hearing is requested or, if the Appellant determines that one is appropriate, the Administrator may grant an informal hearing before a Hearing Officer designated for that purpose, after first giving notice of the time, place, and subject matter of the hearing in the Federal Register. Such hearing shall normally be held no later than 30 days following publication of the notice in the Federal Register unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the applicant or permit holder, if different, and, other interested persons may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend a decision in writing to the Administrator.

(d) The Administrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator shall notify the interested persons of his/her decision, and the reason(s) therefor in writing within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's decision shall constitute final action for the Agency for the purposes of the Administrative Procedures Act.

(e) Any time limit prescribed in this Section may be extended by the Administrator for good cause for a period not to exceed 30 days, either upon his/her own motion or upon written request from the Appellant, permit applicant or Holder, stating the reason(s) therefor.

[FR Doc. 82-34191 Filed 12-16-82; 8:45 am]
BILLING CODE 3510-08-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-12888; S7-955]

Advance Notice and Request for Comment on Mutual Fund Governance

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice and requests for comments on mutual fund governance.

SUMMARY: The Commission is considering whether to propose rules or recommend legislation to enable all or certain types of registered open-end investment companies to be organized and operated without shareholder voting, or without either shareholder voting or boards of directors. The major goal of such action would be to reduce the expenses of fund operations without sacrificing investor protections. In addition to seeking guidance generally on the advisability of such action, the Commission is also requesting commentators to focus on certain specified questions. The comments received will be considered in connection with the development of any rulemaking proposals or legislative recommendations.

DATE: Comments must be received on or before March 10, 1983.

ADDRESS: Persons wishing to submit written comments on the matters discussed in the release should file five copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

Comments should refer to File No. S7-955 and will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Bruce Mendelsohn, Chief (202-272-2048) or Elizabeth Norsworthy, Special Counsel (202-272-2048), Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20539.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it is considering the advisability of proposing rules or recommending legislation to enable all or certain types of registered open-end investment companies to be organized and operated without shareholder voting, or without shareholder voting and boards of directors. Both shareholder voting and boards of directors are presently required under the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-1 *et seq.*). This release summarizes two alternatives to the existing regulatory system which have been proposed by industry observers, as well as certain issues involved in the implementation of those alternatives. After a short discussion of the historical development of a corporate model for investment companies, the release discusses the possibility that the corporate model, or certain of its components, might be unnecessary, and requests general comment as to whether the existing regulatory system for open-end investment companies should be modified. The appendix to this release discusses in detail the historical development, the two alternatives to the existing regulatory system which have been proposed, requests general comment with respect to whether either of those approaches, or some other alternative, should be pursued further, and asks for specific comment with respect to the implementation of those approaches. A copy of the appendix may be obtained directly from the Commission by contacting the above-mentioned contact persons. All comments and suggestions received will be considered by the Commission in determining whether to develop rulemaking proposals or legislative recommendations in this area.

I. Background

In recent years, some commentators have expressed skepticism about the effectiveness of shareholder voting and boards of directors in a mutual fund

context, especially in view of dramatic changes in the investment company industry over the past decade. Open-end or mutual funds, a relatively new phenomenon in 1940, have dominated the industry for many years. In contrast to investors in other types of companies who must sell their shares at a market price which may not, in their opinion, reflect the value of their investment, mutual fund shareholders may sell their shares back to the fund at net asset value. While the predominance of mutual funds over closed-end companies prompted the Commission and Congress to re-examine the regulatory framework of investment companies in the 1960's, the 1970 amendments to the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-1 *et seq.*) which resulted from that re-examination were designed to buttress, not dismantle, the existing framework. In deciding to adhere to the same regulatory scheme, Congress relied on finding of the Wharton School and the Commission that, although a mutual fund shareholder could redeem shares at net asset value, that shareholder was still reluctant to do so because mutual funds charged redemption fees or sales loads considerably higher than customary brokerage commissions and because shareholders incurred tax liability whenever the redemption of their share resulted in a capital gain.

Over the past decade, however, industry changes have removed these financial disincentives for the majority of mutual fund shareholders. Most mutual funds are now no-load, and do not have redemption fees. Moreover, the preponderant portion of the industry's assets is now in money market funds which seek to maintain a stable net asset value, thereby enabling investors to redeem their shares without incurring tax consequences. In view of the ease with which investors in no-load funds, particularly money market funds, may now redeem their shares, it seems appropriate to invite public comment on the continuing necessity for approval of management decisions by shareholders and directors.¹ Comment is requested as

¹ The Commission does not mean to imply in any way that it contemplates that shareholders of companies other than open-end investment companies could be adequately protected if their ability to elect directors or otherwise exercise voting rights were eliminated. Investors in other types of companies do not have the freedom to redeem their investment at current net asset value. Moreover, other types of companies usually have unique assets. Thus, even assuming that a market is available in which such companies' securities could be easily sold, such investors must sell at a market price which may not, in their opinion, reflect the value their investment might have if the company's management were different.

to whether alternative regulatory approaches should be pursued and on related issues discussed below.

II. Discussion

A. Adoption of Rules Exempting Mutual Funds From the Act's Shareholder Voting Requirements

Recent commentators have suggested that the Commission should exercise its rulemaking authority under section 6(c) to extend exemptive relief from the Act's shareholder voting requirements. Proponents of adopting such exemptions argue that the costs which companies incur in complying with those provisions now outweigh any benefits which shareholders may derive from voting their shares. Mutual fund shareholders appear to be passive participants in the management process, rarely attending shareholder meetings and infrequently returning proxies. In fact, because of such shareholder apathy, companies often incur re-solicitation expenses in order to achieve a quorum.

On the other hand, it can be argued, as was the case when similar objections were raised to shareholder voting requirements in the 1960's, that shareholder voting gives shareholders a means of communicating with management without litigation. Since material information concerning a fund's management and operations must be disclosed in proxy material distributed to shareholders, management is often deterred from effecting changes which will adversely affect the fund and its shareholders.

A further objection which has been voiced with respect to adopting an approach which would exempt funds from the shareholder voting provisions is that such exemptions would create a self-perpetuating board of directors, thereby disrupting the delicate system of checks and balances created by the Act to deter both internal and external managers from acting in their own best interests.

However, conditions to affording funds exemptive relief from the Act's shareholder voting requirements could be fashioned which would, at least in part, answer some of the objections which have been raised. In particular, such conditions could require adequate notice to shareholders, ease of redeemability, maintenance of a higher ratio of disinterested directors to interested directors on the board and some type of shareholder referendum procedure.

As a condition to obtaining exemptive relief, it appears that, at a minimum, management should furnish

shareholders with adequate notice of any action on which they would otherwise be entitled to vote. A number of issues are involved, of course, in exactly what would constitute adequate notice. Should shareholders receive notice before or after action is taken? If advance notice is required, how much in advance should the notice be sent? If subsequent notice is required, how soon after the action is taken should the notice be sent? Could the notice be incorporated in periodic reports with respect to certain types of changes, such as the election of a new director or the selection of independent public accountants? How much information should be contained in a notice to shareholders—the equivalent of the present proxy disclosure requirements or something more or something less?

Similarly, it appears that shareholders should be in a position to react to management actions which they dislike by readily redeeming their holdings. The question becomes, then, what conditions would create sufficient ease of redeemability. Should exemptions be made available only: To money market funds? to no-load funds? to no-load funds which do not charge redemption fees? to funds which would permit shareholders to recapture a portion of the sales load paid, depending upon the length of time they have held their shares?

A condition which could at least mitigate the dangers inherent in a self-perpetuating board would be a requirement that a higher ratio of disinterested to interested directors on the board be maintained, for example, a majority or 75%. The question is, however, how would those disinterested directors be selected: by committing their selection shareholders at three-to-five-year intervals? by committing their selection to other disinterested directors? by requiring that the nominating committee be composed exclusively of disinterested directors?

Finally, a means of permitting shareholders to communicate with management without litigation could be preserved if shareholders were given referendum rights comparable to the rights conferred upon shareholders of pre-existing common law trusts by section 16(c) [15 U.S.C. 80a-16(c)].

Even if commentator concerns with respect to preserving adequate shareholder recourse and avoiding a self-perpetuating board can be resolved, it has been suggested that exempting mutual funds from federal shareholder voting provisions would effect only a cosmetic change because most funds are organized in corporate form and would therefore still be subject to state law

requirements that the shareholders annually elect members of the board of directors. However, adoption of exemptions from federal shareholder voting requirements would give such funds the flexibility of reorganizing in non-corporate form, such as common law trust or limited partnership or taking other steps, such as the creation of a class of non-voting stock to be issued to public shareholders. The question is, then, whether funds would use such exemptive rules, given the costs of reorganization and the costs of complying with the conditions outlined above.

B. Creation of an Alternative Type of Investment Company—the Unitary Investment Fund

Another school of thought would create by legislation an alternative type of investment company—a unitary investment fund ("UIF"). This legislative approach, premised upon a view that directors are as superfluous as voting shareholders in a mutual fund context, would create a UIF having neither voting shareholders nor a board of directors. Proponents of this approach believe that an open-end investment company should be permitted to reorganize as a unitary investment fund sponsored and managed by an investment manager.

Draft legislation which has been submitted to the staff for consideration provides that each investment manager, including a bank acting in that capacity, would be required to register under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 *et seq.*). A management contract between the investment manager and the fund would set forth, among other things, the fund's investment objectives, management fees and charges to shareholder accounts. The investment manager would not be permitted to amend those provisions during an initial start-up period (probably five years) and thereafter only upon adequate notice to investors. A new subsection of section 36 (15 U.S.C. 801a-35) would declare that a UIF investment manager has no fiduciary duty regarding the receipt of compensation by such manager and its affiliates.

As contemplated, the Commission would play a far more active role in regulating UIFs. A UIF's registration statements under both the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and the Investment Company would have to be declared effective by the Commission before shares could be sold, thereby giving the staff the opportunity to comment on the investment management contract as well as the disclosure to be furnished to investors in

the fund's prospectus. To the extent that exemptive rules would not be available, a UIF investment manager would have to file an application for relief from the Act's prohibitions on an individual basis. To the extent that a UIF investment manager needed to amend the management contract during the initial start-up period, an application would have to be filed for an order permitting such amendment. The Commission would also be empowered to seek the liquidation of a UIF in a U.S. District Court in the event of the insolvency or bankruptcy of the investment manager.

In evaluating the unitary investment fund contemplated, the same considerations described above with respect to affording shareholders with adequate notice, ease of redeemability and some form of referendum procedure would be applicable. In addition, the following difficult question is presented: Should directors as well as voting shareholders be dispensed with?

In support of this approach, some proponents might question the utility of the independent directors, arguing that these directors are unwilling to spend significant time or energy on functions for which they are paid only a minimal amount; having been nominated by the adviser in virtually every case, they are unlikely to exercise any degree of control over the adviser; and, since they rarely have an independent staff, they must rely on the inside directors, officers, and investment adviser's staff for information and analysis. According to some commentators, court and Commission cases show that the independent directors have not challenged successfully, or even attempted to challenge, management abuses. Similarly, commentators contend that reported cases show that the independent directors have rarely persuaded, or even attempted to persuade, the other directors to maintain shareholder derivative suits alleging management abuses. Commentators have also speculated that, where the adviser is paying increased directors' fees to compensate for the increased responsibilities assigned to the independent directors by the recent series of exemptive rules adopted by the Commission, those directors have become even more susceptible to control by the adviser.

On the other hand, it has been observed that to an increasing extent the independent directors serve as a meaningful counterweight to the entrepreneurial spirit of investment advisers. The presence of independent directors has caused investment

advisers to temper fee proposals and to rectify administrative problems and investment strategies in anticipation of board disapproval. Moreover, albeit infrequently, there have been cases where a mutual fund has severed its advisory relationship at the instigation of its independent directors.

It should also be noted that the initiatives taken by the Commission over the past four years have been premised on a belief that exemptive relief from the Act's prohibitions is appropriate where the directors (and in cases where there is a potential conflict of interest, the independent directors) are willing to assume responsibility for finding a contemplated action to be in the best interests of the fund. If directors are eliminated from a UIF, a dilemma is posed as to whether such funds would be eligible to rely on the exemptive rules. Where an exemptive rule (or section of the Act) addresses a potential conflict of interest situation, a UIF would either have to apply on an individual basis for an exemptive order or the role played by the independent directors would have to be assigned to an appropriate third party, such as the fund's independent public accountants. One issue is then where the Commission should focus its efforts in the investment company area. Would it be more beneficial to mutual funds and their shareholders if the Commission continues its exemptive rulemaking program, pursuing perhaps even more aggressively the goal of transferring oversight responsibilities to the independent directors where this can be done consistent with investor protection? Or, would mutual funds and their investors benefit more from the creation of an alternative type of investment company which would be subject to greater Commission scrutiny?

Some proponents of the UIF concept argue that section 36(b) should not be applicable to UIFs primarily because the advisory fee and shareholder charges payable to the UIF investment manager would be set in advance in the investment contract and could be readily compared to the fees charged by other UIFs. Instead of filing suit under section 36(b) to protest fees which they believe to be excessive, investors would have the option of simply redeeming their shares and, in any event, market competition should induce managers to keep their fees reasonable. In general criticism of section 36(b), commentators contend that litigation under the section has only generated substantial litigation expenses which are ultimately passed on to shareholders, without resulting in any

significant modification of fee structures. It might also be argued that section 36(b) imposes an unrealistic fiduciary duty on an adviser for, in negotiating its compensation, the adviser must necessarily be acting in its own self-interest.

It is the Commission's preliminary judgment, however, that section 36(b) should be applicable to UIFs. Reliance on the market in a UIF context could be misplaced. Since mutual fund investors have not appeared to be expense conscious in the past, it is doubtful that they would focus upon one element of expenses, the management fee, in comparing UIFs with other funds. Even assuming that investor "comparison shopping" would make UIF investment managers sensitive to market signals, those managers would not be free to lower fees in response to market conditions during the fund's initial start-up period.

It can also be argued that, because investment advisers or investment managers are obviously acting in their own interests in negotiating management fees, that is all the more reason to retain a shareholder cause of action in section 36(b). If anything, because the UIF structure would eliminate director and shareholder approval of the advisory contract, the danger is greater that the investment manager may act in its own best interests by establishing an excessively high fee structure.

Finally, while it is true that plaintiffs in section 36(b) have suffered recent setbacks, litigation under that section is still basically a new phenomenon, and the decisions which have been handed down stress the importance of the role played by the independent directors in evaluating adviser compensation. Further, far from exposing funds to limitless liability, section 36(b) was carefully drafted to circumscribe that liability. If UIF shareholders were forced to challenge management fees in state court, it would appear difficult to attack even an unusually high management fee which has been set forth in the trust instrument.

III. Conclusion

These approaches to restructuring investment companies can of course be modified. For example, exemptions from shareholder voting requirements or UIF legislation could be limited to money market funds, at least initially, until the Commission and the industry gain more experience with a new regulatory framework. Alternatively, the UIF concept could be modified to provide, not for a new category of investment company, but rather for procedures

whereby any open-end fund could dispense with shareholder voting, boards of directors, or both, if appropriate conditions were met.

A significant issue to be considered in evaluating these alternatives is whether, if any of these changes is considered desirable, it should be effected by administrative action or by legislation. At the present time, the Commission is predisposed to believe that changes of this magnitude should be effected legislatively. It can be argued that the administrative approach, unlike the legislative approach, has the advantage of allowing initiatives to be implemented as they are developed, rather than requiring the development of a complete "package" of amendments for legislative consideration. Moreover, the administrative approach gives the Commission more flexibility to "fine-tune" changes. However, the legislative approach has the advantage of adopting all contemplated changes simultaneously, not in piecemeal fashion, and eliminates any risk of possible challenges to those changes as an over-extension of the Commission's exemptive authority under section 6(c) of the Act (15 U.S.C. 80a-6(c)).

Another significant issue involved in evaluating these alternatives, and possible modifications thereof, is the extent to which adoption of one of these approaches would reduce mutual fund operating expenses. The Commission, extrapolating from published cost data,² has been able to estimate only roughly the aggregate current costs which mutual funds appear to incur in complying with the Act's corporate governance requirements. These estimates indicate that, for fiscal years ended in 1982, funds may have incurred costs as high as \$13.5 million to conduct proxy solicitations³ and costs as high as \$28 million to pay directors' fees and expenses (including the cost of hiring outside counsel for the directors). The Commission currently has no basis for estimating costs which might be incurred by funds in re-organizing or operating under either contemplated regulatory framework, such as the cost of complying with shareholder notice conditions if a fund were to rely on shareholder voting exemptions or the cost of assigning certain director responsibilities to other independent parties if a fund were to become a UIF. Request is made, therefore, for commentators to furnish the

² Lipper Directors' Analytical Data (Aug. 1982).

³ These costs may be marginal, however, insofar as funds may already be obligated to hold an annual meeting of shareholders to elect directors under state law.

Commission with as much concrete cost information as possible, both with respect to costs which are presently incurred in complying with the Act's corporate governance requirements and costs which could be incurred if regulatory alternatives were implemented.

The approaches outlined above, as well as possible modifications thereof, are discussed in more detail in the appendix. The Commission wishes to emphasize that, by asking for public comment and setting forth arguments, pro and con, with respect to the questions addressed in this release and appendix, it has not taken any firm position on those questions or on the broader issues of whether these changes are desirable.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

By the Commission.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34330 Filed 12-16-82; 6:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 81N-0381]

Manganese Salts; Proposed Affirmation and Removal of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that manganese chloride and manganese sulfate are generally recognized as safe (GRAS) as direct human food ingredients. In addition, FDA is proposing not to affirm manganese citrate, manganese gluconate, and manganous oxide as GRAS as direct human food ingredients and to remove them from the list of substances that are GRAS. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. The proposal would take no action on the listing of these ingredients as GRAS substances for use in dietary supplements.

DATE: Comments by February 15, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-

305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the *Federal Register* of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of certain manganese salts has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of manganese chloride for use in infant formula and manganese sulfate for use as a nutrient supplement in conventional foods¹ and infant formula, and to remove manganese citrate, manganese gluconate, and manganous oxide from GRAS status.²

The GRAS status of the use of manganese chloride, manganese citrate, manganese gluconate, manganese sulfate, and manganous oxide in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of the uses of these ingredients in dietary supplements. The use of these ingredients in dietary supplements will

¹ FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

² The manganese ion can exist in a variety of oxidation states. Technically the term "manganous" refers to the divalent form of the manganese cation. Traditionally, however, the terms manganese and manganous have been used interchangeably. (See "The Condensed Chemical Dictionary," 9th Ed. by Gessner G. Hawley (1977) pp. 534-536.) Moreover, the Food Chemicals Codex uses the term manganese but unequivocally defines the salts as the divalent manganese salts, as is evident from the empirical formulas listed in the monographs. Further, the Select Committee on GRAS Substances (the Select Committee) used the terms manganous and manganese interchangeably in their report to FDA but reviewed only the safety of divalent salts because this was the only form of the salts reported to be used in food. To minimize confusion and to be consistent with current listings in the Code of Federal Regulations and the Food Chemicals Codex, the agency will continue to use the terms manganese chloride, manganese gluconate, and manganese sulfate. The citrate and oxide salts are not defined in the Food Chemicals Codex, and to be consistent with current listings in the Code of Federal Regulations, the agency will continue to list them as manganese citrate and manganous oxide.

continue to be permissible under Subpart F of Part 182 (21 CFR Part 182).

Manganese is an essential nutrient. It occurs naturally in many foods of both plant and animal origin. However, manganese reportedly is added to food in the form of manganese chloride and manganese sulfate. These salts are generally prepared as follows:

Manganese chloride (tetrahydrate) is prepared by leaching selected grades of reduced manganese ore with hydrochloric acid. The manganese chloride solution is treated to remove impurities, then filtered. Anhydrous manganese chloride is made by the action of dry HCl gas on the metal (manganese), manganese carbonate, or manganous oxide. Pink translucent crystals, produced by these reactions, are isolated by filtering the recrystallization.

Manganese sulfate (monohydrate) is prepared by treating finely ground manganese dioxide with sulfuric acid in the presence of a reducing agent. It is also obtained as a byproduct in the manufacture of hydroquinone. It is isolated as a pale pink, granular, odorless powder.

Manganous oxide is prepared by the reduction of a higher manganese oxide with a reducing gas such as carbon monoxide or hydrogen with carbonaceous matter followed by quenching in an inert atmosphere. It can also be prepared by thermal decomposition of manganese carbonate or oxalate in the absence of air.

FDA has not been able to obtain manufacturing information for manganese citrate and manganese gluconate. If these ingredients are used in food, interested persons should submit such information to the agency as comments on this proposal.

Manganese chloride, manganese citrate, manganese gluconate, manganese sulfate, and manganous oxide were listed as GRAS for use as nutrients and dietary supplements in a regulation published in the *Federal Register* of January 31, 1961 (26 FR 938). However, in recodification published in the *Federal Register* of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. As a consequence, manganese chloride, manganese citrate, manganese gluconate, manganese sulfate, and manganous oxide, respectively, are currently listed as GRAS in §§ 182.5446, 182.5449, 182.5452, 182.5461, and 182.5464 as dietary supplements. Nutrient uses of these ingredients are covered under §§ 182.8446, 182.8449, 182.8452, 182.8461,

and 182.8464, respectively. Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists manganese as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient level of manganese in infant formula regulations will be proposed by a separate rulemaking under section 412(a)(2) of the act. The agency has addressed the GRAS status of two other manganese salts, manganese glycerophosphate (21 CFR 182.5455) and manganese hypophosphite (21 CFR 182.5458) in proposed regulations on glycerophosphates and hypophosphites, respectively, and FDA will not discuss these substances in this proposal.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which manganese salts were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. The NAS/NRC survey information indicates that manganese sulfate is used as a nutrient in a variety of foods including infant formulas, baked goods, alcoholic beverages, dairy product analogs, fish products, meat products, milk products, and poultry products. The survey found that manganese chloride is used only in infant formulas. FDA estimates from the NAS/NRC survey that, in 1970, the total amount of manganese chloride added to food was 17 pounds and the total amount of manganese sulfate added to food was 5,717 pounds. The NAS/NRC survey did not report any poundage data for manganese citrate, manganese gluconate, or manganous oxide.

Manganese salts were the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 280 abstracts on manganese salts was reviewed, and 108 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances, which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on manganese salts.³ In the Select Committee's opinion:

The available information indicates that a wide margin exists between present intake levels of manganese as manganous salts and those levels that have been reported to produce harmful effects. Manganese is an essential nutrient that is required for the optimal functioning of several metabolic systems largely through its role as a prosthetic group or as an essential cofactor. Divalent manganese is among the least toxic of the trace elements. As was indicated in the review of the experiments involving manganous chloride and manganous sulfate, the oral toxicity of manganese is low largely because of restricted absorption and the existence of a relatively efficient mechanism regulating intestinal excretion.

Manganese interacts metabolically with several other minerals including calcium, phosphorus, iron, and copper. Under most dietary conditions, however, it is unlikely that the ratio of manganese to these elements is distorted enough to produce an adverse effect.

The only manganese salts known by the Select Committee to be in use as ingredients of foods for human consumption are the chloride and the sulfate. Despite the nearly complete lack of scientific reports on the biologic effects of manganous citrate and gluconate, the relatively low toxicity of the manganous ion and the innocuous nature of citrates and gluconates when used as food ingredients suggest that no health hazard would result from similar uses of manganous citrate and gluconate.

While there is good evidence of the short-term tolerance of manganous oxide as an added feed ingredient for poultry and livestock, no acute oral toxicity studies or long-term feeding studies of manganous oxide have been reported. In addition, the Select Committee has no information on the amounts of manganous oxide, if any, that may be used in foods for human consumption in this country.⁴

³ "Evaluation of the Health Aspects of Manganous Salts As Food Ingredients." Life Sciences Research Office, Federation of American Societies For Experimental Biology, 1979, pp. 8-18. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting that discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

⁴ *Ibid.*, p. 19.

The Select Committee concludes that no evidence in the available information on manganese citrate, manganese chloride, manganese gluconate, and manganese sulfate demonstrates, or presents reasonable grounds to suspect, a hazard to the public when these substances are used at levels that are now current or that might reasonably be expected in the future. However, in view of the lack of relevant biological studies and the lack of information on consumer exposure, the Select Committee states that it has insufficient data upon which to base an evaluation of manganous oxide when it is used in food for human consumption.⁵

FDA has undertaken its own evaluation of the available information on manganese salts and concurs with the conclusions of the Select Committee. FDA therefore is proposing to take the following actions as justified below:

1. There is sufficient usage and toxicological information to affirm the GRAS status of manganese chloride and manganese sulfate as nutrients. Therefore, the agency proposes to affirm the GRAS status of manganese chloride for use in infant formula and manganese sulfate for use in conventional foods and in infant formula.

2. In the absence of sufficient safety data on manganous oxide, the agency proposes to remove it from the list of nutrients that are GRAS for use in food.

3. In the absence of data on consumer exposure or current use, the agency is proposing not to affirm manganese citrate and manganese gluconate as GRAS and to remove them from the list of nutrients that are GRAS for use in food. However, if FDA receives appropriate usage and manufacturing information in response to this proposal, the agency will reconsider this action before issuing a final rule.

4. Because the 1971 NAS/NRC industry use survey did not request data on dietary supplement uses, there are insufficient data to assess exposure from these uses. Without such exposure data, the agency cannot evaluate the safety of the use of these substances as dietary supplements. These uses of manganese salts will continue to be permissible under Subpart F of Part 182 consistent with the policy expressed in the **Federal Register** of September 5, 1980 (45 FR 58857).

Additionally, FDA is proposing not to include in the GRAS affirmation regulations for manganese chloride and manganese sulfate the levels of use reported in the NAS/NRC 1971 survey for these ingredients. Both FASEB and

⁵ *Ibid.*, pp. 19-20.

the agency have concluded that a large margin of safety exists for the use of these substances, and that any reasonably foreseeable increase in the level of consumption of manganese chloride and manganese sulfate will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of manganese chloride and manganese sulfate when they are used under current good manufacturing practice (CGMP) conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of manganese chloride and manganese sulfate is based on the evaluation of limited uses, the proposed regulations set forth the technical effects and food categories that FDA evaluated.

In the Federal Register of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the CGMP conditions of use in regulations for substances affirmed as GRAS with no limitations other than CGMP only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review, a report on the teratogenic evaluation of manganese sulfate, and the report of the Select Committee on manganese salts are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price ¹
Manganese salts (scientific literature review).	PB 228-553/AS...	A08.....	\$11.00
Manganese salts (Select Committee report).	PB 301-404/AS...	A03.....	6.00
Manganese sulfate (teratogenic evaluation).	PB 223-813/AS...	A04.....	7.00

¹Price subject to change.

The format of the proposed regulations is different from those in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1446 and 184.1461 to make clear the agency's determination that GRAS affirmation is based upon CGMP conditions of use, including the technical effects and food categories listed. This change has no substantive effect but is made merely for clarity.

This proposed action does not affect the current use of manganese salts in pet food or in animal feed.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.8446, 182.8449, 182.8452, 182.8461, and 182.8464 [Removed]

1. Part 182 is amended by removing § 182.8446 *Manganese chloride*, § 182.8449 *Manganese citrate*, § 182.8452 *Manganese gluconate*, § 182.8461 *Manganese sulfate*, and § 182.8464 *Manganous oxide*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1446, to read as follows:

§ 184.1446 Manganese chloride.

(a) Manganese chloride ($MnCl_2 \cdot 4H_2O$, CAS Reg. No. 7773-01-5), also referred to as manganese dichloride, is a pink, translucent, crystalline product. It is prepared by dissolving manganous oxide, pyrolusite ore (MnO_2), or reduced manganese ore in hydrochloric acid. The resulting solution is neutralized to precipitate heavy metals, filtered, concentrated, and crystallized.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 186, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient may be used in infant formulas in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

b. By adding new § 184.1461, to read as follows:

§ 184.1461 Manganese sulfate.

(a) Manganese sulfate ($MnSO_4 \cdot H_2O$, CAS Reg. No. 7785-87-7) is a pale pink, granular, odorless powder. It is obtained by reacting manganese compounds with sulfuric acid. It is also obtained as a byproduct in the manufacture of hydroquinone. Other manufacturing processes include the action of sulfur dioxide, on a slurry of manganese dioxide in sulfuric acid, and the roasting of pyrolusite (MnO_2) ore, with solid ferrous sulfate and coal, followed by leaching and crystallization.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 188, which is incorporated by reference. Copies are available from the National Academy

Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; alcoholic beverages as defined in § 170.3(n)(2) of this chapter; dairy product analogs as defined in § 170.3(n)(10) of this chapter; fish products as defined in § 170.3(n)(13) of this chapter; meat products as defined in § 170.3(n)(29) of this chapter; milk products as defined in § 170.3(n)(31) of this chapter; and poultry as defined in § 170.3(n)(34) of this chapter. The ingredient may be used in infant formulas in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before February 15, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 19, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-34257 Filed 12-10-82; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2228-3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes rulemaking and solicits public comment on the incorporation of an alternate control strategy (ACS) or "bubble" into the Illinois State Implementation Plan (SIP). This proposed revision, if approved, will allow the Granite City Steel Division of National Steel, located in Granite City, Illinois, to use an ACS to control open dust fugitive sources such as parking lots and roadways in lieu of controlling its blast furnace casthouse. This proposed SIP revision was submitted to the Environmental Protection Agency (EPA) by the State of Illinois on September 30, 1982, pursuant to Section 110 of the Clean Air Act (Act).

DATE: Comments on this revision and on the proposed EPA action must be received by January 17, 1983.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6035, before visiting the Region V office).

Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604

Illinois Environmental Protection
Agency, Division of Air Pollution
Control, 2200 Churchill Road,
Springfield, Illinois 62705

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Randolph O. Cano, Air Programs Branch, Region V Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On April 7, 1982 (47 FR 15076), the Environmental Protection Agency issued a proposed Emissions Trading Policy Statement which sets forth general principles for the creation, banking and use of emission reduction credits. This statement indicated that it is the policy of EPA to encourage use of emissions trades to achieve more flexible, rapid and efficient attainment of national ambient air quality standards (NAAQS). It describes emissions trading, sets out general principles EPA will use to evaluate emissions trades under the Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice noted that, until EPA takes final action on its policy statement, State actions involving emission trades would be evaluated under the provisions set forth in the proposed statement.

On September 30, 1982, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to the Illinois SIP in the form of an approved ACS permit.

This ACS would, if finally adopted, give credit to the Granite City Steel Division of National Steel Corporation (GCS) for providing greater control of fugitive particulate emissions from the facility's unpaved roadways and parking lots than is required by State regulations. This extra reduction in emissions from the roads and parking lots will be substituted for control of emissions from the blast furnace casthouse. This SIP revision, if approved, would waive installation of casthouse control equipment until 1986 and would require implementation of the ACS by December 31, 1982.

After EPA takes final action to approve the SIP, the March 18, 1981, Consent Decree among EPA, IEPA and GCS will be modified to reflect the requirements of the ACS. This Consent Decree was entered after negotiations among the parties in order to resolve continuing violations by GCS of Illinois Pollution Control Board (IPCB) Rules 202 and 203 which are part of the existing federally approved Illinois SIP. An amendment to this Consent Decree has been drafted and was submitted to EPA. In this amendment, the section requiring control of casthouse emissions has been revised; and a new section has been added which sets forth specific open dust control requirements.

Background

According to the State, without air pollution controls, particulate emissions from unpaved roads, parking lots, and the blast furnace casthouse at GCS are estimated to total 3,281 tons per year (tpy): (a) Unpaved roads (2,652 tpy), (b) parking lots (322 tpy), and (c) blast furnace casthouse (307 tpy). Existing State compliance programs require that these emissions be reduced to 1,671 tpy by December 31, 1982.

Fugitive particulate emissions from the unpaved roads and parking lots are governed by IPCB Rules and Regulations, Chapter 2, Air Pollution. Rule 203(f)(3)(C) states that all normal traffic pattern roads must be paved or treated on a regular basis with water, oil or chemicals. Rule 203(f)(3)(F) requires submission of a plant-specific operating program designed to significantly reduce fugitive particulate emissions. Granite City Steel's program, as required by that rule, is estimated to control particulate emissions with 50 percent efficiency and would, accordingly, reduce particulate emissions by 1,487 tpy by December 31, 1982. This reflects a 50 percent reduction from the uncontrolled rate of 2,974 tpy for these sources.

Particulate emissions from the blast furnace casthouse are regulated by the State of Illinois under IPCB Rule 203(d)(5)(D)(i) or (ii). Rule (i) requires a quantitative evaluation of emissions against a numerical limit. Rule (ii) requires installation of air pollution control equipment on the casthouse. According to the IEPA, installation and operation of control equipment required by Rule 203(d) at the casthouse would reduce particulate emissions by 123 tpy from the uncontrolled rate of 307 tpy.

To summarize, IEPA believes that compliance with existing State regulatory requirements for GCS would reduce particulate emission by 1,610 tpy: (1,487 tpy from roads and parking lots and 123 tpy from the casthouse).

Comparison Between Granite City Steel's Alternative Control Strategy (ACS) Proposal and Existing State Requirements.

According to IEPA, the State's existing regulatory requirements provide for: (a) Control of fugitive particulate emissions from roadways and parking lots at 50 percent effectiveness, and (b) control of particulate emissions from the blast furnace casthouse. In the ACS, GCS is proposing to increase control of emissions from roadways and parking lots to 75 percent effectiveness in exchange for not installing casthouse control equipment. Under the State's requirement, this trade must produce

environmentally equivalent reductions in particulate emissions to be an acceptable ACS.

GCS claims that fugitive particulate emissions can be reduced by 75 percent by using a chemical dust suppressant (Coherex or equal). This would amount to a 25 percent increase in control for these sources or 744 tpy in addition to the 1,487 tpy provided by the existing compliance programs.

According to IEPA, the required frequency of application to achieve a 75 percent reduction in particulate emissions was determined using information from other steel mills which use chemical applications and from an in-plant traffic survey. Some areas of the plant will have the chemical dust suppressant applied once a month, while the more traveled routes will have four applications per month. An additional 290 tpy of reduction in particulate emissions will be achieved by paving 1.57 miles of roadways and two of the larger parking lots. While the paving program will not be completed until December 1983, those areas to be paved will be controlled with a chemical dust suppressant until the paving is completed. Coupled with the 744 tpy from using a chemical dust suppressant, total additional reductions in open dust emission from the ACS proposal amount to 1,034 tpy.

According to IEPA, the net reduction in particulate emissions gained from the ACS proposal is 911 tpy or approximately a 7 to 1 reduction ratio when compared with reducing emissions at the casthouse by 123 tpy.

The State's analysis to determine the acceptability of the emissions trade used IPCB Rule 203(d)(5)(D) to determine the emissions baseline for the casthouse. Since this rule has been disapproved by EPA, EPA found it necessary to perform an independent analysis of the emissions reductions required under RACT and the proposed emission reductions in the ACS. The April 7, 1982, proposed Emission Trading Policy Statement requires a RACT baseline to be used as the basis for such an analysis. EPA's analysis is consistent with the proposed policy statement.

The differences between EPA's independent analysis and IEPA's analysis, as summarized above, involve the following: uncontrolled emission factor for casthouse; controlled, RACT-level emission factor for casthouse; open dust control efficiency for use of dust suppressant chemical; and control efficiency for paving plus cleaning. The EPA regional office has determined for this specific facility that RACT is 50 percent control effectiveness. The

differences are discussed in detail in the technical support document which is available for inspection at the Region V office listed in the front of this notice. The accompanying Table summarizes the results of EPA's analysis. Despite the use of different assumptions, EPA agrees with IEPA's conclusion that the ACS provides for an emissions trade (i.e., open dust emission reductions below the RACT level for casthouse emissions above the RACT level) that results in greater reduction of TSP than would occur under Illinois current SIP limitations. Therefore, EPA agrees with IEPA's conclusion that the emissions trade is acceptable, although it does not accept certain assumptions used by IEPA in the latter's analysis of this bubble proposal.

COMPARISON OF EMISSION LEVELS REQUIRED BY RACT AND THE ACS

Source	RACT (tpy)	Alternative control strategy (tpy)
Open Dust Fugitive Sources:		
BOF Roads.....	306.8	49.1
Steel Works Roads.....	395.4	79.1
Blast Furnace Roads.....	223.7	44.7
North Plant Roads.....	336.2	53.8
South Plant Roads.....	54.5	10.9
Wastewater Treatment Plant Roads.....	9.4	6.6
Parking Lots.....	158.2	29.3
Subtotal From Open Dust Fugitive Sources.....	1484.2	261.4
Casthouse.....	51	511
Total emissions.....	1535.2	784.5

Net Difference: (ACS Emissions Reduction Benefit) 750.7

In developing the comparison of emission levels required by RACT and the ACS, U.S. EPA has determined 50% control to represent the RACT baseline for unpaved roads at this plant.

As explained in EPA's Emission Trading Policy Statement, EPA will pursue a post approval monitoring network with the state agency which can be used to evaluate the impact of the ACS. Monitoring data from additional sites, if determined to be necessary, will supplement post approval data from existing monitoring sites. If the results of monitoring indicate that the ACS does not produce the predicted air quality impact, further enforceable emission reductions will be required.

EPA's proposed Emissions Trading Policy Statement also requires that each "bubble" application make a demonstration of ambient "equivalence." Because the ACS would not result in an increase in applicable baseline emissions and the ACS emission levels were not expected to significantly degrade air quality in the area of highest impact, only a screening

modeling analysis (limited to the specific sources involved in the trade) was required. GCS provided an air quality analysis (using the Industrial Source Complex-Long Term Model) which shows a net air quality improvement due to the ACS at the model receptor of highest impact.

However, the Granite City Steel modeling analysis did not directly address the 24-hour averaging period. Consequently, EPA is requiring that a short term ambient equivalence demonstration be performed which, per the EPA emission trading policy statement, must show that the ACS will not result in a significant air quality impact (i.e., 10 $\mu\text{g}/\text{m}^3$, 24-hour average). The modeling analysis is scheduled to be completed during the public comment period for this proposed rulemaking. There will be adequate opportunity for the public to review the results of the short-term modeling prior to EPA's final rulemaking on the GCS AECF. Anyone who wishes to be notified of the availability of the short-term modeling analysis should call the contact person listed at the beginning of this notice. Based on results of the annual air quality analysis, EPA has preliminarily determined that the ACS will not interfere with measures in the Illinois TSP SIP which are designed to lead to attainment and maintenance of the annual TSP NAAQS in the Granite City primary nonattainment area.

EPA believes that the proposed ACS is consistent with EPA's proposed Emission Trading Policy Statement. EPA is proposing to approve GCS's ACS since it should lead to a reduction in particulate levels and will not interfere with measures in the Illinois TSP SIP which are designed to lead to attainment and maintenance of the TSP NAAQS in the Granite City primary TSP nonattainment area. According to EPA's analysis, the ACS provides an emissions offset greater than 1 to 1 in relation to the level of emissions reduction required by RACT-level controls. The ACS will, according to EPA's analysis, provide an emissions reduction of nearly 763 tons per year below the RACT baseline.

EPA's final action on this proposal will consider the results of the short-term ambient equivalence demonstration and all public comments. The September 7, 1982, technical support document contains a description of the required short-term modeling procedures.

EPA, therefore, proposes approval of this ACS. Public comment is invited on this proposed SIP revision, on the issues discussed in the technical support document, and on EPA's proposed approval.

Comments should be submitted to the address listed in the front of this notice. Public comments received on or before January 17, 1983, will be considered in EPA's final rulemaking action. All comments received will be available for inspection at Region V: Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

Under Executive Order 12291, today's action is not "Major". The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sec. 110 of the Act, as amended)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: October 6, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-34285 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2219-6]

Michigan; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On June 24, 1982, the State of Michigan submitted Consent Order No. 16-1982 for Great Lakes Steel (GLS), a Division of National Steel Corporation (National Steel), as a revision to the Michigan State Implementation Plan (SIP). The Consent Order provides an alternate emissions control plan (AECF) or "bubble" which will result in reductions of particulate emissions in the Detroit (Wayne County) primary nonattainment area. The Consent Order requires that all controls be implemented by December 31, 1982. At the request of the State of Michigan, EPA is today proposing approval of this action and soliciting public comment on this revision.

DATE: Comments must be submitted on or before January 17, 1983.

ADDRESSES: Copies of this SIP revision are available for review during normal

business hours at the following addresses:

U.S. Environmental Protection Agency,
Air Programs Branch, 230 South
Dearborn Street, Chicago, Illinois
60604

Michigan Department of Natural
Resources, Air Quality Division, State
Secondary Government Complex,
General Office Building, 7150 Harris
Drive, Lansing, Michigan 48917

Written Comments Should Be Sent To:
Gary Gulezian, Chief, Regulatory
Analysis Section, Air Programs Branch,
Region V, U.S. Environmental Protection
Agency, 230 South Dearborn Street,
Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:
Toni Lesser, Regulatory Analysis
Section, Air Programs Branch, Region V,
U.S. Environmental Protection Agency,
230 South Dearborn Street, Chicago,
Illinois 60604 (312) 886-6037.

SUPPLEMENTARY INFORMATION: In the May 22, 1981, Federal Register (46 FR 27923), EPA published a notice of final rulemaking on Michigan's Part D SIP revision for iron and steel sources in the Detroit primary total suspended particulates (TSP) nonattainment area. This final rule approved, conditionally approved, and disapproved various provisions in Michigan's SIP and conditionally approved the State's overall control strategy for the Detroit primary TSP nonattainment area. The State of Michigan has committed itself to satisfy all conditions promulgated in the May 22, 1981, notice by December 31, 1982.

GLS, a Division of National Steel, operates integrated iron and steel making facilities in Ecorse and Zug Island, River Rouge, Michigan. These plants are located in the Detroit TSP nonattainment area.

The Ecorse facilities consist of:

- Two basic oxygen process (BOP) shops
- An electric arc furnace (EAF) shop
- Steel rolling facilities

The Zug Island facilities consist of:

- Three coke oven batteries
- Four blast furnaces
- A sinter plant and associated support facilities
- Raw material storage and handling operations

In order to bring these facilities into compliance with all applicable State and County air pollution control regulations, abatement programs were developed and incorporated into two consent judgments: "U.S. v. National Steel Corporation, Civil Action No. 79-73214, U.S. District Court, Eastern District of Michigan," entered March 31, 1981, and

"Wayne County Department of Health v. National Steel Corporation, Civil Action No. 71-187905-CE, Wayne County Circuit Court," originally entered October 2, 1972, with the latest revision entered September 8, 1978. In part, the abatement programs included in these judgments require the company to cease operation of the DAF shop and to install secondary particulate emission capture and control systems at the No. 2 BOP shop and the blast furnace casthouse operations. Consent Judgement No. 71-187905-CE includes an industrial fugitive dust (i.e., open dust) control program which the Michigan Department of Natural Resources (MDNR) has indicated will fulfill the requirements of Michigan's Rule 336.1371. EPA proposed approval of this rule as requiring reasonably available control technology (RACT) on June 29, 1982 (47 FR 28112).

In August, 1981, National Steel proposed its AECF or "bubble," to the Wayne County Air Pollution Control Division. Under the AECF, GLS would pave and clean certain plant roadways beyond the RACT level of control reflected in Michigan's SIP for TSP and control the EAF shop to the New Source Performance Standards (NSPS) level. Greater than RACT-level control on the roadways and EAF shop would be traded for less than RACT-level control at the No. 2 BOP shop and the blast furnace casthouses.

On April 7, 1982, USEPA proposed an "Emissions Trading Policy Statement" (47 FR 15076). In that notice, EPA stated its intention to use the principles of the proposed policy to evaluate trading activities which become ripe for decision prior to the policy's final promulgation. The policy requires the use of a RACT baseline to determine the quantities of emissions to be traded in a bubble in areas that do not have a modeled demonstration of attainment of the TSP primary standard by December 31, 1982 (47 FR 15080). For the Detroit area, MDNR did not demonstrate attainment of the TSP national ambient air quality standards (NAAQS) through dispersion modeling. However, the approved Michigan TSP SIP for that area will include, when finalized, RACT-based requirements for industrial process fugitive and open dust emissions. The Emissions Trading Policy requires use of this RACT baseline in reviewing and approving bubbles for Michigan's primary TSP nonattainment areas. In addition, the Emissions Trading Policy also requires that a demonstration of ambient "equivalence" be made prior to approval.

At Region V's request, Wayne County reviewed specific portions of its open dust control requirements. Wayne County and the MDNR in June, 1982, obtained commitments from National Steel to pave additional road footage under a revised AECF in order to obtain reduced open dust emissions below the RACT baseline.

On June 24, 1982, the State of Michigan submitted Consent Order No. 16-1982 for GLS, National Steel Corporation, as a revision to the Michigan SIP. On July 19, 1982; July 27, 1982; and July 28, 1982, National Steel sent results of an air quality modeling analysis intended to meet the requirements of an equivalency demonstration for a "bubble."

Consent Order No. 16-1982 for National Steel establishes alternative emission limitations and contains TSP emission limitation changes for the following sources:

- (1) Electric Arc Furnace Shop,
- (2) Roadways,
- (3) No. 2 Basic Oxygen Process Shop, and
- (4) Blast Furnaces A, B, C, and D (Zug Island).

Specifically, additional control will not be required for the blast furnace casthouses. However, National Steel may operate only two of its four casthouses at GLS at any time (except during the period for startup of a replacement blast furnace, not to exceed two weeks). For the No. 2 BOP shop, capture and cleaning of secondary emissions presently required by the Federal Consent Judgment would be replaced by changes in operating practices affecting hot metal charging. In addition, the No. 1 BOP shop will close down.

Increased emissions, over a RACT baseline for the No. 2 BOP shop and blast furnace casthouses will be more than offset by controls beyond RACT requirements at the EAF Shop and from roadway open dust sources. That is, secondary emissions from the GLS EAF Shop will be controlled to the level required by the NSPS. Currently, charging and tapping emissions are uncontrolled and the direct shell evacuation system for melting and refining has a low capture efficiency. In addition, 90 percent control will be achieved by paving and sweeping 1400 feet of unpaved roads (sections of the Raw Materials Storage Road and the No. 5 Coke Battery Road) and 50 percent control will be achieved by vacuum sweeping 1200 feet of the paved Zug Island Road. In developing the comparison of the emission levels required by RACT and the AECF, U.S.

EPA has determined 50% control to represent the RACT baseline for unpaved roads at this plant.

To calculate uncontrolled secondary emissions for changing and tapping from the No. 2 BOF shop, the U.S. EPA used emission factors based on an average of recent test data from two other BOF facilities. A control credit of 50% was given for charging based on operating practices which would be required under the AECF. In addition a control credit of 67% was given to reflect existing tapping controls. EPA solicits comments on this calculation as presented in more detail in the associated Technical Support Document.

In summary, the AECF provides over 262 tons per year greater emission reduction at the GLS plant than would be required by RACT for the sources covered by the AECF.

EPA's proposed Emissions Trading Policy Statement requires that each "bubble" application make a demonstration of ambient "equivalence." Because the AECF will not result in an increase in applicable baseline emissions and the AECF emission levels were not expected to significantly degrade air quality in the area of highest impact, only a screening modeling analysis (including only the specific sources involved in the trade) was required. GLS provided an air quality analysis (using the Industrial Source Complex—Long Term Model) which shows a net air quality improvement due to the AECF at the model receptor of highest impact.

As explained in EPA's Emission Trading Policy Statement, EPA will pursue a post approval monitoring network with the state and local agencies which can be used to evaluate the impact of the AECFs. Monitoring data from additional sites, if determined to be necessary, will supplement post approval data from existing monitoring sites. If the results of monitoring indicate that the AECF does not produce the predicted air quality impact, further enforceable emission reductions will be required.

However, GLS's modeling analysis did not directly address the 24-hour averaging period. Consequently, EPA is requiring that a short term ambient equivalence demonstration be performed which, per EPA's Emission Trading Policy Statement, must show that the AECF will not result in a significant air quality impact (i.e. 10 $\mu\text{g}/\text{m}^3$, 24-hour average). The modeling analysis is scheduled to be completed during the public comment period for this proposed rulemaking.

There will be adequate opportunity for the public to review the results of the short-term modeling prior to EPA's final rulemaking on the GLS AECF. Anyone who wishes to be notified of the availability of the short-term modeling analysis should call the contact person listed at the beginning of this notice.

Based on results of the annual air quality analysis, EPA has preliminarily determined that the AECF will not interfere with measures in the Michigan TSP SIP which are designed to lead to attainment and maintenance of the annual TSP NAAQS in the Detroit primary nonattainment area.

EPA believes that National Steel's Consent Order No. 16-1982, which incorporates the "bubble" concept, is consistent with EPA's proposed Emission Trading Policy Statement. EPA is proposing to approve National Steel's AECF since it should lead to a reduction in particulate levels and will not interfere with measures in the Michigan TSP SIP which will lead to attainment and maintenance of the TSP NAAQS in the Detroit primary TSP nonattainment area. EPA's final action on this proposal will consider the results of the short term ambient equivalence demonstration and all public comments. The Consent Order requires all controls to be implemented by December 31, 1982. EPA's rationale for approval, dated September 10, 1981, contains a further analysis of National Steel's AECF and a description of the required short-term modeling procedures. EPA is providing a thirty-day comment period on this notice of proposed rule-making. Public comment received on or before January 17, 1983, will be considered in EPA's final rulemaking. When possible, comments should be submitted in triplicate. All comments will be available for inspection during normal business hours at the Region V office listed at the beginning of this notice. Please call the contact person listed at the beginning of this notice, before visiting the Region V office.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110 of the Clean Air Act, as amended)

Dated: September 16, 1982.

Valdas Adamkus,
Regional Administrator.

[FR Doc. 82-34298 Filed 12-16-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 123

[W-2-FRL 2269-5]

New Jersey Department of Environmental Protection; Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the New Jersey Department of Environmental Protection requesting approval of its Underground Injection Control Program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the New Jersey Department of Environmental Protection to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by January 10, 1983. A public hearing will be held January 19, 1983, at 10:00 a.m. and will continue until the end of testimony. Written comments must be received by February 2, 1983. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify may be mailed to Leon Lazarus, Water Supply Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. Copies of the application and pertinent material are available at the following locations:

Environmental Protection Agency,
Water Supply Branch, Room 824, 26
Federal Plaza, New York, New York
10278, (212) 264-1800

New Jersey Department of
Environmental Protection, Division of
Water Resources, Bureau of Ground
Water Management, 1474 Prospect
Street, Trenton, New Jersey 08625,
(609) 292-5262.

The hearing will be held in the
Archives Room, first floor State Library,
185 West State Street, Trenton, New
Jersey.

FOR FURTHER INFORMATION CONTACT:
Peter Acker, Water Supply Branch,
Environmental Protection Agency,
Region II, 26 Federal Plaza, New York,
New York 10278, (212) 264-3279.
Comments should also be sent to this
address.

SUPPLEMENTARY INFORMATION: The
application from the New Jersey
Department of Environmental Protection
is for the regulation of all injection wells
in the State. The main goal of the New
Jersey program is to protect
underground sources of drinking water.
To this end the State program includes
elements for permitting, inspection,
monitoring and enforcement of
underground injection control activities.
Twenty-five Class V wells that are used
for gas storage will be permitted. The
remaining one thousand two hundred
and twenty-four Class V wells that have
been identified will be authorized by
rule. The State regulations are being
changed to allow for both authorization
by permit and rule. All permitted wells
must demonstrate mechanical integrity
at least once every five years. New
Jersey is not proposing to exempt any
aquifer at this time.

This application includes a
description of the State Underground
Injection Control program, copies of all
applicable regulations and forms, a
statement of legal authority, and the
memorandum of agreement between the
new Jersey Department of
Environmental Protection and the
Region II office of the Environmental
Protection Agency.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians-lands,
Reporting and recordkeeping
requirements, Waste treatment and
disposal, Water pollution control, Water
supply, Intergovernmental relations,
Penalties, Confidential business
information.

Dated: December 9, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water

[FR Doc. 82-34299 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Withdrawal of proposed rules.

SUMMARY: This Office had proposed revisions to certain of its procedural regulations governing administrative hearings and appeals within the Department of the Interior. Further consideration of the proposed changes has resulted in the conclusion that they are unnecessary and should be withdrawn.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: F. Christopher Bockmon (703) 235-3750.

SUPPLEMENTARY INFORMATION: On May 27, 1980 (45 FR 35351), this Office proposed revisions to 43 CFR Part 4, Subpart A. The minor changes proposed to these regulations have been determined to be unnecessary and are being withdrawn. For a document

withdrawing proposed revisions to 43 CFR Part 4, Subpart I (published at 45 FR 35351, May 27, 1980), see 47 FR 27087, June 23, 1982, and for a document removing 43 CFR Part 4, Subpart H (proposed at 45 FR 35351, May 27, 1980), see 47 FR 42574, September 28, 1982.

Dated: December 9, 1982.

John N. Stafford,

Director, Office of Hearings and Appeals.

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

The revisions to 43 CFR Part 4, Subpart A, proposed on May 27, 1980 (45 FR 35351), are withdrawn.

[FR Doc. 82-34177 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-10-M

Notices

Federal Register

Vol. 47, No. 243

Friday, December 17, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Proposed Determination of Marketing Quotas for the 1983-84 Marketing Year for Fire-Cured (Types 22-23), and Dark Air-Cured (Types 35-36), Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Proposed Determinations.

SUMMARY: The Secretary of Agriculture is required by the Agricultural Adjustment Act of 1938, as amended, to determine and announce by February 1, 1983, the amounts of the national marketing quotas for fire-cured (types 22-23) and dark air-cured tobacco for the 1983-84 marketing year. In addition, the Secretary is required to conduct referenda to determine whether producers prefer marketing quotas on an acreage basis or a poundage basis. The public is invited to submit written comments, views and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco, the referenda to be held, and other related matters.

DATE: Comments must be received on or before January 17, 1983 in order to be assured of consideration.

ADDRESSES: Send comments to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in room 3741-South Building, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Economist, Analysis Division, ASCS, Room 3736 South Building, P.O. 2415, Washington, D.C.

20013, (202) 447-5187. The Preliminary Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that the implementation of these determinations will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs for consumers, individual industries, Federal, State and local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases, Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to the notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Since the national marketing quotas for dark air-cured tobacco and fire-cured tobacco are required by statute to be proclaimed by February 1, 1983, comments with respect to this notice of proposed determination must be received not later than 30 days after publication of this notice in the **Federal Register** in order to be assured of consideration.

The Agricultural Adjustment Act of 1938, as amended by the No Net Cost Tobacco Program Act of 1982 (hereinafter referred to as the "Act"), requires that with respect to fire-cured (types 22-23) and dark air-cured (types 35-36) tobacco, the Secretary of Agriculture must, by February 1, 1983, proclaim national marketing quotas for such kinds of tobacco for the three marketing years beginning October 1, 1983, and determine and announce the

amount of the marketing quota for such kinds of tobacco for the marketing year beginning October 1, 1983. In addition, the Secretary is required to conduct within 30 days after the announcement of such national marketing quotas, a referendum of producers engaged in the 1982 production of each of such kinds of tobacco to determine whether they favor farm marketing quotas on a poundage basis for the three marketing years beginning October 1, 1983, instead of quotas on an acreage basis for the two marketing years beginning October 1, 1983. If 50 percent or more of the producers voting in such referenda approve marketing quotas on a poundage basis, such quotas will be in effect for the three marketing years beginning October 1, 1983. If poundage quotas are not approved by at least 50 percent of the producers voting in such referenda, quotas on an acreage basis will be in effect for the two marketing years beginning October 1, 1983.

If marketing quotas on an acreage basis are in effect for any such kind of tobacco, and a referendum to determine whether producers favor marketing quotas on a poundage basis has not been held for at least three marketing years and if the Secretary, after conducting public hearings, determines that producers and other interested persons favor marketing quotas on a poundage basis for such kind of tobacco, the Secretary shall, at the time of the next announcement of the amount of the national marketing quota, announce national marketing quotas for the next three succeeding marketing years. Within 30 days of such proclamation, the Secretary will conduct a referendum to determine whether producers favor marketing quotas on a poundage basis for the next three succeeding marketing years. If more than 50 percent of the producers voting in such referendum approve marketing quotas on a poundage basis, such quotas shall be in effect for the next three succeeding marketing years and the marketing quotas on an acreage basis shall cease to be in effect at the beginning of such three-year period. If marketing quotas on a poundage basis are not approved by more than 50 percent of the producers voting in the referendum, then marketing quotas on an acreage basis will continue.

If marketing quotas on a poundage basis are in effect for any such kind of

tobacco for three consecutive marketing years, the Secretary shall determine and announce, not later than February 1 preceding the second and third marketing years, the amount of the national marketing quota for such kind of tobacco for each of such years. If marketing quotas on a poundage basis have been in effect for such kind of tobacco, the Secretary shall, not later than February 1 of the last of three consecutive marketing years for which such quotas are in effect for such kind of tobacco, proclaim a national marketing quota for such kind of tobacco for the next three succeeding marketing years. In addition, the Secretary shall conduct public hearings to determine whether producers favor national marketing quotas on an acreage basis or on a poundage basis and shall proclaim the quota on the basis he determines most producers of such kind of tobacco favor. Within 30 days of the proclamation, the Secretary shall conduct a referendum of producers engaged in the production of such kind of tobacco harvested immediately prior to the holding of the referendum to determine if such quotas are favored for the next three succeeding marketing years. If more than 50 percent of the producers voting in such referendum oppose the national marketing quotas, then the Secretary shall announce the results and no marketing quotas or price support will be in effect for such kind of tobacco and the national marketing quotas so proclaimed will not be in effect for the next three succeeding marketing years. If at least 50 percent of the producers voting in such referendum favor the national marketing quotas, such quotas will be in effect and price support will be available to eligible producers.

Marketing quotas on an acreage or poundage basis, less any reserves, shall be apportioned among old farms. Reserves shall be apportioned for use in (1) Establishing acreage allotments or poundage quotas for new farms, and (2) making corrections and adjusting inequities in old farm allotments or poundage quotas.

Quotas were previously proclaimed, marketing quota referenda conducted, and quotas approved by growers for fire-cured (types 22-23) and dark air-cured (types 35-36) tobacco for the 1982-83, 1983-84, and 1984-85 marketing years (47 FR 20167). Producers of such kinds of tobacco will be entitled to participate in the tobacco price support program.

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as

classified in Service and Regulatory Announcement Number 118 (7 CFR Part 30) of the former Bureau of Agricultural Economics of the Department:

- Flue-cured tobacco, comprising types 11, 12, 13 & 14;
- Fire-cured tobacco, comprising type 21;
- Fire-cured tobacco, comprising types 22, 23, & 24;
- Dark air-cured tobacco, comprising types 35 & 36;
- Virginia sun-cured tobacco, comprising type 37;
- Burley tobacco, comprising type 31;
- Maryland tobacco, comprising type 32;
- Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 & 55; and
- Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) of the Act also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has issued a determination (15 FR 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price support. Also pursuant to such authority, the Secretary has issued a determination (22 FR 367) that beginning with the 1957-58 marketing year, cigar-binder (types 51-52) shall be treated as a separate kind of tobacco for purposes of marketing quotas and price support. Type 45 tobacco is no longer grown. No further action under this section is contemplated at this time.

Since producers have a choice between marketing quotas on an acreage basis or a poundage basis, and because acreage allotment determinations differ slightly from poundage quota determinations, both methods of determinations are discussed below.

Acreage Determination

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1983, with respect to kinds of tobacco other than flue-cured tobacco, the amount of the national marketing quota which will be in effect for the 1983-84 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level.

Section 312(b) provides further that the amount of the 1983-84 national marketing quota so announced may, not later than March 1, 1983, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Section 313(g) of the Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed and to apportion through local committees the national acreage allotment to tobacco producing farms (less a reserve not to exceed 1 percent thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

Poundage Determination

Section 319(c) of the Act (7 U.S.C. 1319(c)) defines "national marketing quota" for various kinds of tobacco including fire-cured (types 22-23) and dark air-cured (types 35-36) for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 5 percent of estimated domestic use and exports.

For the 1983-84 marketing year, total use for fire-cured (types 22-23) and dark air-cured (types 35-36) tobaccos is estimated to be 34 million pounds and 16 million pounds, respectively.

National Average Yield Goal

The Act provides that when a marketing quota program for these kinds of tobacco is first established under section 319(c), such farm yields determined with respect to fire-cured (types 22-23) and dark air-cured (types 35-36) tobaccos shall be adjusted proportionately so that the weighted average of the farm yield is equal to the national average yield goal of each respective tobacco.

Since different methods are used to determine marketing restrictions and different determinations are made with respect to marketing quotas on an

acreage basis or on a poundage basis, the amount of such quotas would normally be different. However, in order to avoid influencing the outcome of the referenda with regard to an election by producers between marketing quotas on an acreage or poundage basis, the national average yield goal will be used to adjust yields with respect to the marketing quotas on a poundage basis so that the amount of tobacco which could be marketed without penalty under either an acreage or poundage basis would be similar. Such calculations do not take into consideration the 10 percent which could be marketed under a poundage basis and which would otherwise be excluded from the succeeding year's quota.

Section 319(e) of the Act (7 U.S.C. 1314e(e)) provides, in part, that each farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor. The national factor is obtained by dividing the national marketing quota determined under subsection 319(c) (7 U.S.C. 1314e(c)) (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, that such national factor shall not be less than 95 percent.

A national reserve of 65 acres has been established for fire-cured (types 22-23) tobacco for the 1982-83 marketing year. A national reserve of 40 acres has been established for dark air-cured (types 35-36) tobacco for the 1982-83 marketing year (47 FR 5916). It is proposed that a national reserve be established for the 1983-84 marketing year.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The term "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of such tobaccos that was produced and consumed in the United States during the 10 marketing years immediately

preceding the marketing year in which such consumption is determined (1982-83), adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined (1982-83), adjusted for current trends in such exports.

Section 301(b)(16)(B) of the Act defines "total supply" as the carryover at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for fire-cured (types 22-23) tobacco for the 1982-83 marketing year is 103.5 million pounds, based on 1982 marketings of 41.0 million pounds and carryover stocks of 62.5 million pounds. The total supply for dark air-cured (types 35-36) tobacco for the 1982-83 marketing year is 55.7 million pounds, based on 1982 marketings of 17.8 million pounds and carryover stocks of 37.9 million pounds.

Proposed Determinations

Accordingly, the Secretary proposes to make the following determinations for fire-cured (types 22-23) and dark air-cured (types 35-36) tobaccos for the 1983-84 marketing year:

1. With respect to fire-cured (types 22-23) tobacco.
 - a. A national marketing quota on a poundage basis within the range of 38 to 48 million pounds, and a national acreage allotment within the range of 21,000 to 27,000 acres;
 - b. A reserve supply level within the range of 80 million to 105 million pounds;
 - c. A national reserve within the range of 50,000 to 150,000 pounds and 25 to 100 acres.
2. With respect to dark air-cured (types 35-36) tobacco.
 - a. A national marketing quota on a poundage basis within the range of 18 to 22 million pounds and a national acreage allotment within the range 9,600 to 12,000 acres;
 - b. A reserve supply level within the range of 40 million to 55 million pounds.
 - c. A national reserve within the range of 50,000 to 100,000 pounds and 25 to 50 acres.

The Secretary of Agriculture also proposes to announce the dates or periods of the referenda on the type of marketing restrictions for these tobaccos and whether the referenda should be conducted at polling places rather than

by mail ballot as prescribed in 7 CFR Part 717.

Signed at Washington, D.C., on December 15, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-34399 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Salmon National Forest; Idaho, Lemhi, and Valley Counties, Idaho; Revised Notice of Intent To Prepare an Environmental Impact Statement for Proposed Forest Land and Resource Management Plan

A Notice of Intent to Prepare an Environmental Impact Statement for the Salmon National Forest Land Resource Management Plan was published in the *Federal Register*, Volume 45, No. 198, Thursday, October 9, 1980 which was later amended as published in the *Federal Register*, Volume 46, No. 91 Tuesday, May 12, 1981 and Volume 47, No. 42, Wednesday, March 3, 1982.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Protection Agency and release to the public have been further postponed. The Draft Environmental Impact Statement is now expected in August 1983, and the Final Environmental Impact Statement is proposed for release in March 1984.

All other conditions of the original Notice of Intent remain the same.

Dated: December 7, 1982.

George H. Robinson,
Regional Forester.

[FR Doc. 82-33997 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Oglethorpe Power Corp.; Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) pursuant to the National Environmental Policy Act of 1969, the Council on Environmental quality guidelines (40 CFR Parts 1500-1508), and REA's Bulletin 20-21:320-21, Environmental Policies and Procedures, has made a Finding of No Significant Impact with respect to proposed financing assistance to Oglethorpe

Power Corporation (OPC) of Atlanta, Georgia, for construction of a 230/25 kV substation at Deshong and 3.75 miles of 230 kV transmission line from this substation to Snellville, all in Ginnett County, Georgia.

FOR INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) along with OPC's Borrower's Environmental Report (BER) and other related material can be reviewed in or requested from the Office of the Director, Southeast Area-Electric, Room 0268, South Agriculture Building, REA, Washington, D.C. 20250, telephone (202) 382-8437, or the offices of OPC, (Mr. F. F. Stacy, Jr., Manager) 2888 Woodcock Boulevard, Tuland Building, Atlanta, Georgia 30348, telephone (404) 455-1121.

SUPPLEMENTARY INFORMATION: REA reviewed the BER submitted by OPC and determined that it represents an accurate evaluation of the environmental impacts of the proposed project.

REA has determined that the proposed project will have no effect on cultural resources or threatened or endangered species and no significant adverse affect to prime farmland, floodplains or wetlands. A small portion of the transmission right-of-way crosses prime farmland which is now in woodland use. In addition, the right-of-way crosses approximately 1.1 km (.68 mi) of the floodplains and 0.06 km (0.035 mi) of wetlands. To the extent practicable these areas will be spanned. Most impacts will be restricted to the construction phase of the project and, overall, the construction and operation will have no unacceptable impacts to the environment.

A number of alternatives were considered, including no action, conservation, and various transmission line routes and substation sites. REA finds that the proposed alternative is acceptable since it meets the needs of consumer members with a minimum of adverse impact.

Based upon the BER and other related data, REA prepared an EA and Finding of No Significant Impact concerning the proposed construction. It is REA's view that the proposed financing assistance will not be a major Federal action that will affect significantly the quality of the human environment.

In accordance with REA's Bulletin 20-21:320-21, dated January 21, 1980, OPC advertised the availability of the BER in the Gwinnett Daily News and the Atlanta Journal. Comments were solicited and the public was given 30 days to reply. No comments were received.

This program is listed in the Catalog of Federal Domestic assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: December 10, 1982.

Jack Van Mark,
Acting Administrator.

[FR Doc. 82-34121 Filed 12-16-82; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Pt. Mugu Outlet, Revolon Watershed, Calif; Environmental Statement

AGENCY: Soil Conservation Service.

ACTION: Withdrawal of notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement will not be prepared for the Pt. Mugu Outlet, Revolon Watershed, Ventura County, California.

FOR FURTHER INFORMATION CONTACT: Eugene Andreuccetti, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone (916) 758-2200.

SUPPLEMENTARY INFORMATION: The preliminary environmental assessment of this federally assisted action had indicated that the project may cause significant local, regional, or national impacts on the environment. Therefore, a Notice of Intent to prepare an Environmental Impact Statement was published in the *Federal Register* on April 17, 1981. However, later studies have indicated that project purposes can be served without causing adverse damages to the environment. As a result of these findings, Eugene Andreuccetti, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Eugene, E. Andreuccetti,
State Conservationist.

[FR Doc. 82-34201 Filed 12-16-82; 8:45 am]
BILLING CODE 3410-16-M

North Concordia Watershed, La.; Deauthorize Federal Funding

AGENCY: Soil Conservation Service.

ACTION: Notice of intent to deauthorize federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), and the Soil Conservation Service gives notice of intent to deauthorize Federal funding for the North Concordia Watershed project, Concordia and Catahoula Parishes, Louisiana.

FOR FURTHER INFORMATION CONTACT: Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone (318) 473-7751.

SUPPLEMENTARY INFORMATION: A determination has been made by Harry S. Rucker that the proposed works of improvement for the North Concordia Watershed project will not be installed. The sponsoring organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Harry S. Rucker, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry S. Rucker,
State Conservationist.

[FR Doc. 82-33994 Filed 12-16-82; 8:45 am]
BILLING CODE 3410-16-M

Sandy Creek Watershed, Tex.; Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Sandy Creek

Watershed project, Jasper County, Texas.

FOR FURTHER INFORMATION CONTACT:
George C. Marks, State Conservationist,
Soil Conservation Service, W. R. Poage
Federal Building, 101 South Main,
Temple, Texas 76503, telephone 817/
774-1214.

SUPPLEMENTARY INFORMATION: A
determination has been made by George
C. Marks that the proposed works of
improvement for the Sandy Creek

Watershed project will not be installed.
The sponsoring local organizations have
concurred in this determination and
agree that Federal funding should be
deauthorized for the project. Information
regarding this determination may be
obtained from George C. Marks, State
Conservationist, at the above address
and telephone number. No
administrative action on implementation
of the proposed deauthorization will be
taken until 60 days after the date of this
publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance
Program No. 10.904, Watershed Protection
and Flood Prevention. Office of Management
and Budget Circular A-95 regarding State and
local clearing house review of Federal and
federally assisted programs and projects is
applicable)

Dated: December 3, 1982.

Carl B. Fountain,
Deputy State Conservationist.

[FR Doc. 82-33951 Filed 12-16-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations; Week Ended December 10, 1982

Subpart Q Applications

The due date for answers conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases final order without further proceedings (See, 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
Dec. 6, 1982	41128	Western Air Lines, Inc., P.O. Box 92005, World Way Postal Center Los Angeles, California 90009. Application of Western Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 52 authorizing it to engage in foreign air transportation with respect to persons, property and mail. Between the terminal point Los Angeles, California, the intermediate point Salt Lake City, Utah, and the coterminal points Calgary and Edmonton, Alberta, Canada. Western requests it be authorized to integrate this new authority with its other Canada authority on Route 52 subject, of course, to such route authority integration being consistent with applicable local regulations and bilateral agreements. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 3, 1983.
Dec. 6, 1982	41129	Western Air Lines, Inc., P.O. Box 92005, World Way Postal Center Los Angeles, California 90009. Application of Western Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests for an amendment of its certificate of public convenience and necessity for Route 52 authorizing it to engage in foreign air transportation with respect to persons, property and mail. Between the terminal point San Francisco, California, the intermediate point Salt Lake City, Utah, and the coterminal points Toronto, Ontario and Montreal, Quebec, Canada. Western requests it be authorized to integrate this new authority with its other Canada authority on Route 52 subject of course, to such route authority integration being consistent with applicable local regulations and bilateral agreements. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 3, 1982.
Dec. 6, 1982	41132	Guy-America Airways, Inc. c/o Michael Goldman, Verner, Liptert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Application of Guy-America Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of an amended certificate of public convenience and necessity for Route 290 authorizing it to engage in foreign air transportation of persons, property and mail between all points in the United States and points in Costa Rica as follows: "1. Between a point on points in the United States (except Miami, Fla., and New Orleans, La.) and a point or points in Costa Rica." Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 3, 1983.
Dec. 8, 1982	41139	Global International Airways Corp., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Suite 900 South, Washington, D.C. 20036. Application of Global International Airways Corp. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to provide scheduled foreign air transportation of persons, property, and mail as follows: Between Los Angeles, California and Toronto/Montreal, Ontario. Between San Francisco, California and Toronto/Montreal, Ontario. Between Honolulu, Hawaii and Vancouver, Canada. Conforming Applications, Motions, to Modify Scope, and Answers may be filed by January 5, 1983.
Dec. 10, 1982	41142	Ceskoslovenske Aerolinie, c/o Allan I. Mendelsohn, Ward & Mandelsohn, 1725 Eye Street, N.W., Suite 310, Washington, D.C. 20006. Application of Ceskoslovenske Aerolinie pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for the amendment and/or renewal of its Foreign Air Carrier Permit so as to permit it to continue its on-going operations in scheduled foreign air transportation between the United States of America and the Czechoslovak Socialist Republic. Answers may be filed by January 7, 1983.
Dec. 10, 1982	41032	Jet USA Airlines, Inc. c/o Edwin O. Bailey, Kirkland & Ellis, 1776 K Street, N.W., Washington, D.C. 20006. Second Amendment to Applications of Jet USA Airlines, Inc. containing additional information to be considered in the record of this proceeding. Answer may be filed by January 6, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-34301 Filed 12-16-82; 8:45 am]

BILLING CODE 6320-01-M

Orders Concerning Subsidy and Mail Rates

Order 82-12-28, December 1982,
Docket 40817, proposing subsidy rates
for Alaskan Airlines, Inc. for the
provision of essential air service at

Cordova, Yakutat, Petersburg, Wrangler,
Gustavus, Bosewell Bay, Cape
Yakataga, Chisana, Chitina, Gulkana,
Iay Bay, May Creek and McCarthy
Alaska.

Order 82-12-29, December 9, 1982,
Dockets 40807 and 35351, proposing
subsidy rates for Wien Air Alaska, Inc.

for the provision of essential air service
at 36 Alaskan Bush points.

Order 82-12-33, December 9, 1982,
proposes new intra-Hawaii final service
mail rates for the first half of calendar
year 1983.

Order 82-12-34, December 9, 1982,
Docket 37294, proposes new final

domestic service mail rates for the first half of calendar year 1983.

Order 82-12-35, December 9, 1982, Docket 37392, proposes new final international service mail rates for the first half of calendar year 1983.

FOR FURTHER INFORMATION CONTACT:

Concerning Orders 82-12-34 and 35, James E. Gardner, Bureau of International Aviation, (202) 673-5391, and for orders 82-12-28 and 29, James M. Craun, Bureau of Domestic Aviation, (202) 673-5428.

Copies of the orders are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

By the Civil Aeronautics Board: December 9, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-34300 Filed 12-16-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 23-82; Foreign-Trade Zone 50]

Long Beach, California; Application for Subzone at Toyota Truck Cargo Body Plant, Long Beach

The period for comments on the above case involving a special-purpose subzone for the truck cargo body manufacturing plant of Toyota in Long Beach, California (47 FR 44128, October 6, 1982) is extended until February 4, 1983.

Further general comments are invited until January 5, 1983. Because there has been no public hearing on the proposal, interested parties may include questions involving nonproprietary information, which after review by the FTZ Staff might be posed to the applicant.

The period after January 5 and until February 4 shall be used only for rebuttal comments. Answers to any questions asked of the applicant will be expected by January 25. The answers will be available for inspection together with other record material.

Submissions shall include 5 copies. The material submitted will be available to the public at the: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: December 13, 1982.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 82-34309 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Certain Stainless Steel Products From the United Kingdom; Postponement of Countervailing Duty Preliminary Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Countervailing Duty Preliminary Determinations.

SUMMARY: The countervailing duty preliminary determinations involving certain stainless steel products (see Appendix A) from the United Kingdom are being postponed as the investigations have been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determinations not later than February 4, 1983.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-5414.

SUPPLEMENTARY INFORMATION: On November 2, 1982, we announced our initiation of countervailing duty investigations to determine whether producers, manufacturers, or exporters of certain stainless steel products from the United Kingdom receive any benefits from the government of the United Kingdom or the European Community, as appropriate, that constitute subsidies (47 FR 49692). The notice stated that we would issue preliminary determinations by December 31, 1982.

As detailed in the notice of initiation of the countervailing duty investigations, the petition alleges that the government of the United Kingdom and the European Community provide various programs which constitute subsidies to producers, manufacturers, or exporters of certain stainless steel products. The alleged subsidy practices are numerous and raise complex issues. These cases are further complicated because of the need to determine the extent to which particular subsidies are used by individual manufacturers, producers, or exporters. We have determined that the government of the United Kingdom and the other parties concerned are cooperating and that additional time is necessary to make the countervailing duty preliminary determinations. For

these reasons we determine that these cases are extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue countervailing duty preliminary determinations not later than February 4, 1983.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: December 10, 1982.

Leonard M. Shambon,

Director, Office of Compliance.

Appendix A—Description of Products

For purposes of these investigations:

(1) The term "stainless steel sheet, and strip" covers hot or cold-rolled stainless steel sheet or strip products, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 0.50 inch but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

(2) The term "stainless steel plate" covers stainless steel plate products as provided for in items 607.7605 and 607.9005 of the TSUSA. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inches or more in thickness and over 8 inches in width or if cold-rolled over 12 inches in width.

[FR Doc. 82-34318 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination: Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice. The estimated net subsidy is 2.655 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of frozen concentrated orange juice from Brazil which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by February 24, 1983.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act, of 1930, as amended (the Act), are being provided to manufacturers, Producers, or exporters in Brazil of frozen concentrated orange juice. For purposes of this investigations, the following programs are preliminarily found to confer subsidies:

- Preferential working capital financing for exports.
- Income tax exemption for export earnings.

We estimate the net subsidy to be 2.655 percent *ad valorem*.

Case History

On July 14, 1982, we received a petition from Florida Citrus Mutual, filed on behalf of the U.S. growers of oranges for processing into frozen concentrated oranges juice. The petition alleged that certain benefits which constitute

subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on August 2, 1982, we initiated a countervailing duty investigation (47 FR 37172). We stated that we expected to issue a preliminary determination by October 7, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until December 13, 1982 (47 FR 45896).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiation. On September 9, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 39740).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. On December 1, 1982, we received the response to that questionnaire.

Scope of the Investigation

The product covered by this investigation is frozen concentrated orange juice as provided for in item - 165.3500 of the *Tariff Schedules of the United States Annotated*. This amends the product description contained in the notice of initiation which stated that the product under investigation was "oranges used for production into frozen concentrated orange juice." The tariff classification was correct in that notice.

There are nine known producers and exporters in Brazil of frozen concentrated orange juice to the United States. We have received information from the government regarding three of these companies, Cargill Industrial Ltda. (CARGILL), Citrosuco Paulista S.A. (CITROSUCO) and Sucocitrico Cutrale S.A. (CUTRALE), which represented over 85 percent of exports of this product to the United States during a recent, representative period—calendar year 1981. The period for which we are measuring subsidization is the most recently completed fiscal year for each company. CARGILL operates on a fiscal year which runs from March 1 to February 28. The fiscal years for CITROSUCO and CUTRALE run from

May 1 to April 30. Therefore, the period for which we are measuring subsidization for CARGILL is March 1, 1981 to February 28, 1982; for CITROSUCO and CUTRALE the period is May 1, 1981 to April 30, 1982. This period corresponds to the 1981 fiscal year for all three companies.

Analysis of Programs

In its response, the government of Brazil provided data for the applicable periods. Based upon our analysis to date of the petition and the response to our questionnaire, we preliminarily determine the following.

I. Programs Preliminarily Determined To Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice under the following programs.

A. Preferential working capital financing for exports: Resolution 674. Under this program, companies are declared eligible to receive working capital loans by the Department of Foreign Commerce of the Banco Central do Brasil (CACEX). These loans may have a duration of up to one year. Firms in the frozen concentrated orange juice industry can obtain this financing at preferential rates for up to 12 percent of the net f.o.b. value of the previous year's exports. The maximum dollar eligibility under this program is established by CACEX and is stated on the "Certificado de Habilitacao" issued to recipients. We preliminarily determine that such financing is an export subsidy.

The net export value is calculated by taking numerous deductions from the export value of the merchandise, including agent commissions, contractual penalties or refunds, exports denominated in cruzeiros, imported inputs over 20 percent of the export value, and a deduction for the company's trade deficit as a percentage of the value of its exports.

To determine the value of loans in existence under this program during the 1981 fiscal year, we prorated any loans that straddled other fiscal years. For loans taken out in fiscal year 1980, only that portion extending into fiscal year 1981 was included in our calculation. Any fiscal year 1981 loans extending into fiscal year 1982 were similarly adjusted. We then divided the total value of these loans by the total value of exports of the three companies under investigation to calculate the amount of preferential financing they received.

As in previous Brazilian countervailing duty cases, we are using

the rate established by the Banco do Brasil for discounting sales of accounts receivable as the commercial rate for the acquisition of short-term working capital. We have used this comparison because information provided by the government of Brazil indicates that, within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable. Currently, the annual rate for discounting sales of accounts receivable is 59.6 percent plus a 6.9 percent tax on financial transactions (IOF).

The interest rate on loan under Resolution 674 is 40 percent, with interest payable semiannually and the principal fully payable on the due date of the loan. The effective rate of interest for these loans is 44 percent. These loans are also exempt from the IOF. Therefore, the differential between these two types of financing is 22.5 percent. When multiplying this differential by the amount of preferential financing received as a percent of exports, we calculated an *ad valorem* export subsidy of 1.527 percent.

B. Income tax exemption for export earnings. Exporters of frozen concentrated orange juice are eligible to participate in this program, under which the percentage of their profit attributable to export revenue is exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. The amount of profit exempt from the income tax is then multiplied by the 35 percent corporate income tax rate to determine the amount of the benefit.

In a program of this kind, benefits cannot be determined with finality until the books are closed sometime in the following year. Therefore, we must look at fiscal year 1980 income tax returns to determine if any benefit was received in fiscal year 1981. All three companies received benefits under this program in fiscal year 1981. By dividing the benefit received by the value of exports of the companies under investigation, we calculated an *ad valorem* export subsidy of 1.128 percent.

II. Programs Preliminarily Determined Not To Confer Subsidies

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice under the following programs:

A. Exemption from State value-added tax (ICM). The State value-added tax (ICM) is applicable only to domestic sales of frozen concentrated orange juice. Export transactions are exempt from such taxation. The exemption of indirect taxes on exported goods does

not constitute a countervailable benefit under either section 303 or section 701 of the Tariff Act of 1930, as amended.

B. Exemption from Federal industrialized products tax (IPI). The Federal IPI value-added tax is applicable only to domestic sales of frozen concentrated orange juice. Export transactions are exempt from such taxation. The exemption of indirect taxes on exported goods does not constitute a countervailable benefit under either section 303 or section 701 of the Tariff Act of 1930, as amended.

III. Program Preliminarily Determined Not To Be Used

We preliminarily determine that the following program was not used by the manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice.

A. Federal industrialized products tax (IPI) export credit premium. The IPI export credit premium program was suspended on December 7, 1979. When the IPI export credit premium was reinstated on April 1, 1981, the orange-concentrate industry was specifically excluded from receiving the benefits of this program (Ministry of Finance Ordinance No. 78).

Program Preliminarily Determined To Be No Longer in Existence

We preliminarily determine that the following program is no longer in existence.

A. State value-added tax (ICM) export credit premium. This program, which provided Brazilian companies an overrebate of a state value-added tax on goods destined for export, was eliminated by Convention 01-79, published January 12, 1979.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of frozen concentrated orange juice from Brazil which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register and to require a cash deposit or bond for each such entry of this merchandise in the amount of 2.655 percent *ad valorem*. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our

determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on January 20, 1983, at the U.S. Department of Commerce, Room 3080, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by January 13, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within thirty days of this notice's publication, at the above address and in at least ten copies.

Dated: December 13, 1982.

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34306 Filed 12-16-82; 9:45 am]
BILLING CODE 3510-25-M

Preliminary Determination of Sales at Less Than Fair Value; Certain Stainless Steel Sheet and Strip Products From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Certain Stainless Steel Sheet and Strip Products from the Federal Republic of Germany.

SUMMARY: We have preliminarily determined that certain stainless steel

sheet and strip products from the Federal Republic of Germany (FRG) are being sold, or are likely to be sold, in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination within 75 days of the publication of this notice in the *Federal Register*.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

As provided in section 733 of the Tariff Act of 1930, as amended (the Act), we have preliminarily determined that there is a reasonable basis to believe or suspect that certain stainless steel sheet and strip products from the FRG are being sold, or are likely to be sold, in the United States at less than fair value.

The estimated margins for individual products investigated are given in the "Suspension of Liquidation" section of this notice.

The estimated margins for Thyssen AG (Thyssen), Krupp Stahl AG (Krupp) and Vereinigte Deutsche Metallwerke AG (VDM) are based on the best information available as explained in the section of this notice which describes our fair value comparisons. These margins could change substantially in the final determination if verifiable information is furnished in a timely fashion.

If this investigation proceeds normally, we will make a final determination within 75 days of the publication of this notice in the *Federal Register*.

Case History

On April 26, 1982, we received a petition filed by counsel on behalf of eleven U.S. specialty steel producers and on behalf of the United

Steelworkers of America. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports from the Federal Republic of Germany of certain stainless steel sheet and strip products are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated such investigation on May 17, 1982 (47 FR 22132). On June 10, 1982, the ITC found that there is a reasonable indication imports of stainless steel sheet and strip products are materially injuring, or are threatening to materially injure, a U.S. industry. We determined this case to be "extraordinarily complicated", as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination by 50 days until November 22, 1982 (47 FR 41800).

Questionnaires were presented to Krupp and Thyssen on June 3, 1982. Their responses were received on August 9, 1982 and August 13, 1982. VDM requested a questionnaire on June 25, 1982 and submitted its response on August 13, 1982. Our review of the responses revealed numerous deficiencies and we requested additional information and non-confidential summaries which were submitted in part on various dates from October 4 through November 18, 1982. Some deficiencies have not been corrected. The deficiencies and submission of additional information are described in detail in the "Supplemental Information Required" section of this notice.

Scope of Investigation

The certain stainless steel sheet and strip products covered by this investigation are:

- Hot-rolled stainless steel sheet
- Hot-rolled stainless steel strip
- Cold-rolled stainless steel sheet
- Cold-rolled stainless steel strip.

For a further description of these products see the appendix appearing with this notice.

Since Krupp, Thyssen and VDM manufacture and export virtually all of the certain stainless steel sheet and strip products exported from the FRG to the United States, we limited our investigation to them.

This investigation covers the period from July 1 to December 31, 1981, for purchase price sales and from October 1, 1981 to March 31, 1982, for exporter's sales price transactions.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we used the best information available as required by section 776(b) of the Act to make fair value comparisons. We used the best information available for each manufacturer because adequate responses were not submitted in time to allow analysis of the information and/or the respondents failed to provide adequate non-confidential summaries of confidential information or permission for release under administrative protective order (APO). A full discussion of the reasons for using the best information available is contained in the "Supplemental Information Requested" section of this notice. The best information available for purposes of this preliminary determination was the information on fair value margins, based on alleged selling prices in the United States and the FRG, contained in the petition. We used the simple average of the margins contained in the petition.

Supplemental Information Requested

Section 776(b) of the Act states that whenever any party refuses or is unable to produce information requested, the Commerce Department may use the best information otherwise available for determining the existence of sales at less than fair value. We did so with respect to the following companies for purposes of this preliminary determination for the reasons indicated below:

1. *Thyssen*. Thyssen submitted a response to our questionnaire on August 9, 1982. Our review of that response revealed numerous deficiencies. By letter dated September 21, 1982, we requested additional information, concerning a large portion of Thyssen's home market sales, extensive further information on various aspects of the data on home market and U.S. sales in its response, and a non-confidential summary or permission for release under an APO of its confidential sales data. The letter stated that failure to provide data and summaries by October 1, 1982, would require us to use the best information otherwise available, according to section 776(b) of the Act.

Some additional information was filed on October 5 and 18, 1982. The additional essential sales information and a non-confidential summary,

however, were filed only on November 3, 1982. The summary was incomplete. Thyssen gave permission for release of its confidential price data only on November 15, 1982. At this time we have not determined whether the additional sales data are adequate. The information is currently being reviewed.

In addition, on August 9, 1982, Thyssen submitted computer tapes with overlapping data bases. A new tape was submitted only on November 12, 1982. We found further deficiencies in the data contained on that computer tape. These deficiencies related to a substantial number of home market sales which were deleted from the tape. We requested a further tape which was submitted only on November 18, 1982, which did not allow sufficient time for our analysis prior to this preliminary determination.

If the above information is not adequate, we will ask Thyssen once again to provide additional information before verification. If this information is not submitted by December 30, 1982, we will be unable to verify it. Where information is not furnished, or is furnished too late to verify, we may use the best information available for our final determination. The analysis and verification of Thyssen's response could substantially change the sales at less than fair value margins calculated for our preliminary determination for Thyssen.

2. *Krupp*. *Krupp* submitted a response to our questionnaire on August 9, 1982. Our review of that response revealed numerous deficiencies. By letter dated September 14, 1982, we requested that *Krupp* provide us with a non-confidential summary of its sales data and additional information on its home market and U.S. sales. The letter stated that failure to provide this information by October 1, 1982, would require us to use the best information otherwise available, according to section 776(b) of the Act. The additional information requested was submitted in usable form, in part on October 4, 1982, and in part on October 28, 1982, which did not allow sufficient time for proper analysis prior to this preliminary determination. This information is currently being reviewed for possible use for our final determination.

The verification of *Krupp's* response could substantially change the sales at less than fair value margins calculated for our preliminary determination for *Krupp*.

3. *VDM*. *VDM* submitted a partial response to our questionnaire on August 13, 1982. Our review of the response

revealed numerous deficiencies. By letter dated September 22, 1982, we requested that *VDM* provide us with additional sales data including exporter's sales price information, and a non-confidential summary or permission to release confidential information under APO by October 1, 1982 (19 CFR 353.28). The letter stated that failure to provide this information by October 1, 1982, would require us to use the best information otherwise available, according to section 776(b) of the Act. The corrected information, including the original exporter's sales price response, was furnished on October 28, 1982 and November 5, 1982. The non-confidential summary, however, was not submitted until November 8, 1982. Therefore, we have not had sufficient time to analyze the above information for purposes of this preliminary determination. We are currently reviewing this information.

If the above information is not adequate, we will ask *VDM* once again to provide additional information before verification. If this information is not furnished by December 30, 1982, we will be unable to verify it. Where the information is not furnished, or furnished too late to verify, we may use best information available for our final determination. The analysis and verification of *VDM's* response could substantially change the sales at less than fair value margins calculated for our preliminary determination for *VDM*.

Verification

We will verify all data used in reaching the final determination in this investigation, as provided in section 776(a) of the Act.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of stainless steel sheet and strip products. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the *Federal Register*. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The estimated antidumping duty margins are as follows:

Product	Margin (percent)
Hot-rolled stainless steel sheet and strip	40
Cold-rolled stainless steel sheet	27
Cold-rolled stainless steel strip	43

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC or our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the latter of 120 days after the Department made its preliminary affirmative determination or 45 days after the Department made its final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on January 13, 1983, at the U.S. Department of Commerce, Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by January 6, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of this notice's publication,

at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 14, 1982.

Appendix—Product Description: Certain Stainless Steel Sheet and Strip Products

For the purpose of this investigation, the term "certain stainless steel sheet and strip products" covers hot or cold-rolled stainless steel sheet or strip, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated*.

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless strip is flat-rolled stainless steel strip product whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in this investigation.

[FR Doc. 82-34334 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

Railcars From Canada; Amendments to Notice of Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Amendment to Notice of Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: On November 22, 1982, the Department of Commerce signed the preliminary countervailing duty determination on railcars from Canada.

Since the publication of that notice the information in the public comment section has changed. The public hearing

was scheduled for 10:00 a.m. on January 3, 1983 at the U.S. Department of Commerce, Room 3080, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The prehearing briefs were due to be submitted to the Deputy Assistant Secretary by December 27, 1982.

The hearing for railcars from Canada is now scheduled for 10:00 a.m. on January 6, 1983 at the U.S. Department of Commerce, Room 6802, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The prehearing briefs are due to be submitted to the Deputy Assistant Secretary by December 30, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-1276.

December 14, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34319 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

Wool From Argentina; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Countervailing Duty Determination.

SUMMARY: The preliminary countervailing duty determination involving wool from Argentina is being postponed as the investigation has been determined to be extraordinarily complicated. We intend to issue the preliminary determination not later than January 14, 1983.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION: On October 18, 1982, we initiated a countervailing duty investigation to determine whether producers, manufacturers or exporters of wool from Argentina receive any benefits that constitute bounties or grants (47 FR 46349). The notice stated that we would issue a preliminary determination by December 15, 1982.

The product covered by this

investigation is wool, finer than 44s, not on the skin, from Argentina. The imported merchandise is currently provided for in items 306.3132, 306.3152, 306.3172, 306.3253, 306.3273, 306.3334, 306.3354, and 306.3374 of the *Tariff Schedules of the United States Annotated* (TSUSA).

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges that the government of Argentina provides various programs which constitute bounties or grants to producers, manufacturers, or exporters of wool. The alleged subsidy practices are numerous and raise complex issues. Moreover, it is difficult to determine the extent of utilization of the programs by the manufacturers, producers or exporters. We have determined that the government of Argentina and the other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B)(i) and that additional time is necessary to make the preliminary determination in accordance with section 703(c)(1)(B)(ii) of the Tariff Act of 1930, as amended ("the Act"). We intend to issue the preliminary determination not later than January 14, 1983.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: December 13, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34317 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision for Duty-Free Entry of Scientific Article; Correction

In FR Doc. 82-32833 appearing at page 54134 in the *Federal Register* of December 1, 1982, Docket Number 82-00122 is corrected to include complete description of instrument. Notice should read Instrument: Echovar Pulsed Doppler Instrument, Type U4 with Accessories.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34307 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

**University of Arizona et al.;
Applications for Duty-Free Entry of
Scientific Instruments**

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with sections 301.5(a)(3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 2097, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-41. Applicant: University of Arizona, College of Medicine, Department of Physiology, Arizona Health Sciences Center, Tucson, AZ 85724. Instrument: Puller, Glass Micro-Electrode, Model PD-5 and Micro Forge with Stereo Microscope, Model MF-79. Manufacturer: Narishige Scientific Products, Japan. Intended use of instrument: The instrument is intended to be used for the investigation of the single-channel properties of the acetylcholine receptor of nerve or muscle cell in culture. The experiment will consist of filling the glass micro-electrode, after pulling by the puller and shaping with microforge, with a dilute solution of acetylcholine. The electrode is then placed on a nerve or muscle cell surface. The electrode is connected to a special custom-built circuit and the single channel receptor properties are then electronically monitored. In addition, the instrument will be used to teach medical/graduate students principles of cell and organ functions. Application received by Commissioner of Customs: November 8, 1982.

Docket No. 83-45. Applicant: National Hansen's Disease Center, Carville, LA 70721. Instrument: Electron Microscope, Model EM 410. Manufacturer: Philips

Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is intended to be used for leprosy research. Application received by Commissioner of Customs: November 8, 1982.

Docket No. 83-55. Applicant: Texas A & M University, Department of Chemistry, College Station, TX 77843. Instrument: High Resolution Mass Spectrometer, MS-50. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of instrument: The instrument is intended to be used by a large number of faculty members for research projects. These research projects include:

- (1) High resolution mass spectrometry of biologically important molecules.
- (2) Mass spectrometry studies of organometallics.
- (3) Autoxidation of cobalt dioxygen complexes.
- (4) Reaction pathways in polynuclear metal carbonyls.
- (5) Stereoselective synthesis of polyfunctional Amines.
- (6) Synthetic and biosynthetic studies of *B*-Lactam antibiotics.
- (7) Applications of high resolution mass spectroscopy. (Chemical characterization of Texas Lignites and characterization of organoarsenic and organoselenium compounds in nature).

The instrument will also be used as an educational tool in a number of graduate and undergraduate laboratory classes including Chemistry 691, Chemistry 685, Chemistry 617, Chemistry 491. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 83-57. Applicant: University of Rochester, School of Medicine, Box 605, Strong Memorial Hospital, 601 Elmwood Avenue, Rochester, NY 14642. Instrument: EM Micro-Dosage Focusing System. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is an accessory to an existing microscope that is intended to be used as an aid in the study of the ultrastructure of antigen-antibody complexes. The instrument will allow critical focusing without concomitant specimen degradation, thereby improving the ultrastructural characterization of the antigen-antibody complexes. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 83-64. Applicant: St. Mary's Medical Center, 3700 Washington Avenue, Evansville, IN 47750. Instrument: #7809 III Gamma Med III Afterloading Irradiation Device for Interstitial Therapy and 2 #7809 SC Source Containers. Manufacturer: Isotopen Technik, GmbH, West

Germany. Intended use of instrument: The instrument is intended to be used for research and clinical objectives in the treatment of human cancer. The objectives of this research effort will be to optimize the irradiation delivery technique and dose distribution for the treatment of malignant tumors. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 83-66. Applicant: University of Southern California, Department of Electrical Engineering, Mail Code 0484, University Park, Los Angeles, CA 90089. Instrument: Excimer Laser, EMG 50E with Extended Gas Lifetime Option Complete with Optics. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: The instrument is intended to be used to photolytically prepare small polyatomic free radicals in low lying excited states. These species will then be monitored via their IR emissions using a sensitive InSb detector, thereby enabling the measurement of their removal rates in the environments of concern. These rate coefficient measurements are one of the experimental methods which will be used in determining the mechanistic metals of the kinetic processes of concern. The instrument will be used by two graduate students working toward the Ph.D degree. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 83-67. Applicant: SRI International, 333 Ravenswood Avenue, Menlo Park, CA 94025. Instrument: Excimer Pumped Dye Laser FL 2002 complete with Accessories. Manufacturer: Lambda Physik Incorporated, West Germany. Intended use of instrument: The instrument is intended to be used for studies of variable wavelength photolysis of stratospherically important molecules at low pressures. Application received by Commissioner of Customs: November 19, 1982.

Docket No. 83-69. Applicant: University of Wisconsin-Madison, 1115 Engineering Research Building, 1500 Johnson Drive, Madison, WI 53706. Instrument: Electron Microscope, Model HB501. Manufacturer: VG Microscopes, United Kingdom. Intended use of instrument: The instrument is intended to be used for the following research areas:

- (1) Metallurgical, physical, superconducting, and potential industrial applications of Nb-Ti and other alloys.
- (2) Radiation damage—candidate alloys for possible fusion reactor applications include stainless steels and other complex high-temperature alloys which swell as a result of irradiation.

(3) Interaction of platinum and iridium with graphite in hydrogen and criteria for stable nickel particle size under methanation conditions.

Substantial use of the new microscope will be made by faculty in polymer science, physical metallurgy, and surface science. Application received by Commissioner of Customs: November 18, 1982.

Docket No. 83-70. Applicant: North Carolina State University, P.O. Box 5935, Raleigh, NC 27650. Instrument: Electron Microscope, Model H-800 and Accessories. Manufacturer: Hitachi, Japan. Intended use of instrument: The instrument is intended to be used to study microstructure and chemical composition of crystalline materials, interfaces and inclusions in a variety of metals, ceramics and electronic materials. Application received by Commissioner of Customs: November 18, 1982.

Docket No. 83-73. Applicant: Maine Department of Environmental Protection, State House, #17, Augusta, ME 04333. Instrument: Two Man-Variable Depth Non-Earth Contact Resistivity Meter, Model EM 34-3. Manufacturer: Geonics Limited, Canada. Intended use of instrument: The instrument is intended to be used for hydrogeologic investigations which will include a mapping program to delineate high yield sand and gravel aquifers in the state, and emergency spill responses, when a quick assessment of the direction of contaminant flow within the ground water system is needed. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 83-75. Applicant: University of California at Los Angeles, Laboratory of Biomedical & Environmental Sciences, 900 Veteran Avenue, Los Angeles, CA 90024. Instrument: Medical Cyclotron, Orbit Pert Cyclotron System, Model 270. Manufacturer: ANAC, Limited, New Zealand. Intended use of instrument: The instrument is intended to be used to produce short-lived radio-active isotopes for basic and clinical research in Nuclear medicine. The principal raw products will be carbon-11, nitrogen-13, oxygen-15, and fluorine-18. These radioisotopes can be incorporated into chemical compounds. When these compounds are administered to a human they distribute to various organs and tissues. Their specific locations and movements can be determined with positron-emission tomographic techniques. Abnormal distributions and movements indicate locations and nature of pathologic conditions and thereby support diagnosis of disease states. The basic objective is to develop

the smallest, most economical system for rapid, reliable production of compounds labeled with short-lived positron-emitting radionuclides for medical research and clinical diagnostic applications. Application received by Commissioner of Customs: November 19, 1982.

Docket No. 83-83. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Camera, X-Ray, Ultra-Fast Streak, Model IMACON 500/X-Ray with Accessories. Manufacturer: John Hadland, Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used for studies of such gases as neon, fluorine and krypton to demonstrate lasing at higher energies than ever before achieved. Application received by Commissioner of Customs: November 19, 1982.

Docket No. 83-84. Applicant: University of Utah, Department of Materials Science & Engineering, Salt Lake City, UT 84112. Instrument: Electron Microscope, Model JEM-200CX with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: The instrument is intended to be used by approximately 25 academic and research faculty (as well as their associated post-doctoral and graduate students) primary from the Materials Science and Engineering Department and faculty in the Departments of Mechanical and Industrial Engineering, Civil Engineering, Bioengineering, Electrical Engineering, Chemical Engineering, Metallurgical Engineering, Mining Engineering, and Chemistry while conducting various research projects. Application received by Commissioner of Customs: November 24, 1982.

Docket No. 83-86. Applicant: University of Florida, J. Hillis Miller Health Center, Division of Urology, Box J-247, Room No. N2-11, Gainesville, FL 32610. Instrument: Rotating Prism. Manufacturer: Rank Brothers, United Kingdom. Intended use of instrument: The instruments are components to electrophoresis apparatus which will be used to study the electrophoretic behavior of calcium oxalate (mono and di-hydrate) in the presence of chemical inhibitors to calcium oxalate nucleation and growth as a means of understanding urinary stone disease. Application received by Commissioner of Customs: November 9, 1982.

Docket No. 82-00147R. Applicant: Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles, CA 90007. Instrument: 6 MeV Linear Accelerator, G280F and Accessories.

Application is a resubmission, notice of which was published in the Federal Register of May 14, 1982.

Docket No. 83-68. Applicant: University of California at Davis, School of Medicine, Department of Human Anatomy, Davis, CA 95616. Instrument: Electron Microscope, Model EM 410 and Accessories. Manufacturer: N.V. Philips, Gloeilampenfabrieken, The Netherlands. Intended use of instrument: The instrument is intended to be used for studies of cells, bacteria and viruses and the phenomena of cell/cell interactions in pregnancy, immunology, carcinogenesis, and infection. Investigations will be conducted to understand the mechanisms of both normal and abnormal cell growth and development; to interrelate cell structure with function in normal and dysfunctional situations and in cases of carcinogenesis and infection; to elucidate the cellular mechanisms of normal cell function. Application received by Commissioner of Customs: November 18, 1982.

Docket No. 83-76. Applicant: Veterans Administration Medical Center, University of Utah, Department of Pathology, 500 Foothill Road, Salt Lake City, UT 84148. Instrument: Electron Microscope JEM-100CX/SEG/SQH, 100KV with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: The instrument is intended to be used for the examination of very thin sections of biological materials for high resolution TEM to demonstrate the ultrastructure features as well as changes under different experimental conditions. Experiments will be conducted in order to identify ultrastructural components of cells and/or morphological correlation to experimental treatments. The objectives of these investigations is to study the ultrastructural features for diagnostic purposes and investigation of the role(s) of the metallic elements in induction of the diseases and immunity (role of beryllium). Application received by Commissioner of Customs: November 19, 1982.

Docket No. 83-78. Applicant: University of California at Los Angeles, CBS 12; Room 200, UCLA, 405 Hilgard Avenue, Los Angeles, CA 90024. Instrument: Radiotherapy Simulator. Manufacturer: Oldelft Corporation, The Netherlands. Intended use of instrument: The instrument is intended to be used in support of research in the radiotherapy treatment of cancer. Its specific use is in the localization of the tumor within the body and the planning of the treatment. The instrument will also be used in the courses Radiation Science 202C and

Radiation Therapy Resident Training to train individuals in the optimum use of radiation in the treatment of cancer. Application received by Commissioner of Customs: November 23, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard N. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34308 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and Its Administrative Subcommittee; Public Meetings

AGENCY: National Oceanic and Atmosphere Administration, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate meetings. The Council will hold its 44th regular public meeting to consider status reports on fishery management plans (FMP's) under development, specifically the draft FMP for the Fishery Resources of the Puerto Rican and St. Croix Geological Platforms and also discuss other Council and administrative matters. The Administrative Subcommittee will meet to consider matters related to the Council's budget and to discuss regular administrative operations.

DATES: The Council's public meeting will convene on Wednesday, February 16, 1983, at approximately 1:30 p.m., adjourn at approximately 5 p.m.; reconvene on Thursday, February 17, 1983, at approximately 9 a.m.; adjourn at approximately noon. All meetings will take place at the Conference Room of the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00198, Telephone: (809) 753-4926.

Dated: December 14, 1982.

Joe P. Clem,

Acting Chief, Operations Coordination Group,
National Marine Fisheries Service.

[FR Doc. 82-34329 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Malaysia Effective on January 1, 1983

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1983.

SUMMARY: The Governments of the United States and Malaysia exchanged notes dated December 5, 1980 and February 27, 1981 establishing a new Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement for the four-year period beginning on January 1, 1981 and extending through December 31, 1984. The agreement provides among other things, specific levels of restraint for Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446, and 604 during the agreement year beginning on January 1, 1983. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawals from warehouse for consumption, of cotton, wool, and man-made fiber textile products in the foregoing categories to the designated amounts. The level for Category 445/446 has been reduced by 2,322 dozen as a result of a negotiated settlement regarding previous overshipments and by 1,489 dozen representing carryforward used during the 1982 agreement year.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1982.

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1983 and for the twelve-month period extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446, and 604, produced or manufactured in Malaysia, in excess of the following levels of restraint:

Category	12-month level of restraint
331.....	576,413 dozen pairs.
333/334/335...	75,333 dozen of which not more than 37,666 dozen shall be in Cat. 333; not more than 37,666 dozen shall be in Cat. 334; and not more than 37,666 dozen shall be in Cat. 335.
338/339.....	440,398 dozen of which not more than 175,805 dozen shall be in Cat. 339.
340.....	306,961 dozen.
347/348.....	173,536 dozen of which not more than 90,738 dozen shall be in Cat. 348.
445/446.....	21,250 dozen.
604.....	1,244,881 pounds.

In carrying out this directive, entries of cotton, wool, and man-made fiber textile products in the foregoing categories, produced or manufactured in Malaysia, which have been exported to the United States on and after January 1, 1982 and extending through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia which provide, in part, that: (1) Specific limits or sublimits may be exceeded by not more than 5 percent, if a corresponding reduction is made in one or more other specific limits in the same group during the same agreement year; (2) specific levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions

of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool, and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-34320 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton Textile Products From Pakistan Effective on January 1, 1983

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton textile products produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1983.

SUMMARY: On March 9 and 11, 1982, the Governments of the United States and Pakistan signed a Bilateral Cotton Textile Agreement which establishes an aggregate limit for Categories 300-369 and within the aggregate limit, specific ceilings for Categories 313, 315, 331, 338, 339, 347/348, and 363, among others, during the agreement year which begins on January 1, 1983. It also provides consultation levels for categories, such as Categories 317, 320, and 369pt., which are not subject to specific ceilings and which may be adjusted during the agreement year. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300-369, as a group, and in individual Categories 313, 315, 317, 320, 331, 338, 339, 347/348, 363, and 369pt., produced or

manufactured in Pakistan and exported during the twelve-month period which begins on January 1, 1983 and extends through December 31, 1983, in excess of the designated levels of restraint. The level for Category 363 has been reduced by 1,130,412 dozen to account for carryforward used during the 1982 agreement year.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1982.

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Textile Agreement of March 9 and March 11, 1982, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1983 and for the twelve-month period extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300-369, as a group, and individual Categories 313, 315, 317, 320, 331, 338, 339, 347/348, 363, and 369pt. in excess of the following levels of restraint:

Category	12-month level of restraint ¹
300-369	215,285,136 square yards equivalent.
313	76,950,459 square yards.
315	44,934,904 square yards.
317	6,512,000 square yards.
320	8,000,000 square yards.
331	523,383 dozen pairs.
338	2,292,388 dozen.
339	498,345 dozen.
347/348	240,750 dozen.
363	19,028,593 numbers.
369pt. ²	5,869,565 pounds.

¹ The level of restraint has not been adjusted to reflect any imports after December 31, 1982.

² In Category 369, all T.S.U.S.A. numbers except 366.1855.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Pakistan, which

have been exported to the United States on and after January 1, 1982 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of March 9 and 11, 1982 between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate and group limits, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward; and, (3) administrative arrangements or adjustment may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-32321 Filed 12-16-82; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Futures Contract for Silver in 5,000 Troy Ounce Units

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Board of Trade ("CBOT" or "Exchange") has applied for approval of a silver contract in 5,000

troy ounce units. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 17, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CBOT 5,000-ounce silver futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254-7303.

SUPPLEMENTARY INFORMATION: The CBOT currently is designated as a contract market in silver for trading in units of 1,000 troy ounces. Trading in 5,000-ounce units, as a result of the Exchange's March 1981 amendments to its silver contract, is permissible only as an interim measure while the new 1,000-ounce delivery unit contract is phased in.¹

By letter dated October 14, 1982, the CBOT submitted for Commission approval, pursuant to Section 5a(12) of the Commodity Exchange Act (the "Act"), a proposed amendment to Regulation 1404.01 regarding the unit of trading for its silver contract. The proposal would allow the Exchange to trade two separate contracts in silver: a contract trading in units of 1,000 troy ounces, and a contract trading in units of 5,000 troy ounces.

The Exchange proposes to accomplish this by amending Regulation 1404.01 so that new trading months can be added to the 5,000-ounce contract beyond the period specified in the contract market rule while continuing to list trading months in the 1,000-ounce contract.

The Commission has determined to treat the current submission as an application for a new contract market designation, pursuant to Section 5 of the

Act, 7 U.S.C. 7, and Guideline No. 1, 47 FR 49832 (November 3, 1982). The new designation would be for silver traded in units of 5,000 troy ounces and would be in addition to the currently designated 1,000 troy ounce silver contract.

A copy of the terms and conditions of the CBOT's proposed 5,000-ounce silver futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBOT in support of its application may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for inspection of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBOT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by January 17, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on December 13, 1982.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-34252 Filed 12-16-82; 8:45 am]
BILLING CODE 6351-01-M

New York Futures Exchange; Proposed Rules Relating to Exchange Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Adoption of Contract Market Rules.

SUMMARY: The New York Futures Exchange ("NYFE") has submitted to the Commission proposed rules setting speculative position limits for currently designated contract markets pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1982), and Section 5a(12)

of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (Supp. V 1981). The Commodity Futures Trading Commission ("Commission") has determined that for currently designated contracts, initial exchange proposals to set speculative limits are potentially of major economic significance. Accordingly, the Commission has determined that publication of this proposal is in the public interest, that receipt of public comment will assist the Commission in its consideration of the exchange submissions, and that publication is consistent with the purposes of the Commodity Exchange Act.

SUPPLEMENTARY INFORMATION: The NYFE has submitted to the Commission pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1982) and Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (Supp. V 1981) proposed exchange rules setting speculative position limits in nine designated contract markets. They are: British pound, Swiss franc, Deutsche mark, Canadian dollar, Japanese yen, 90-Day U.S. Treasury bills, U.S. Treasury bonds, Eurodollars and Domestic CDs.¹

The Commission, in accordance with Section 5a(12) of the Act, has determined that the proposed rules setting exchange speculative position limits on currently designated contracts are potentially of major economic significance.² Accordingly, the Commission seeks to receive comments from interested persons with respect to these proposed exchange rules. The text of the proposed exchange rules submitted by NYFE appear below. In addition, NYFE Rule 307, which is referenced in, or is otherwise applicable to, the speculative position limit rules is also printed below:

¹In addition, five other domestic boards of trade have submitted for Commission approval speculative position limits for currently designated contract markets. The proposed rules submitted by the Chicago Mercantile Exchange and by the Commodity Exchange, Inc., were published in the Federal Register on July 20, 1982 (47 FR 31417); correction, 47 FR 34615 (August 10, 1982). The staff of the Commission will be reviewing the remaining four proposals following its consideration of this proposal.

²This determination is based upon a finding that the initial imposition of speculative position limits for designated contract markets which currently do not have such limits may be of economic significance to those currently trading in a contract which has no existing speculative limits. However, the Commission believes that the subsequent adjustment of existing exchange speculative limits generally would not be of major economic significance.

¹On March 5, 1981, the Commission approved an amendment to the CBOT's silver contract to reduce the size of the unit of trading from 5,000 to 1,000 troy ounces. This amendment allows trading in the 5,000-ounce unit to continue concurrently with trading in the new 1,000-ounce unit, but only for a limited period specified in the contract's rules.

Rules Submitted by the New York Futures Exchange

Rule 706

The position limit for any British Pound Futures Contract shall be a net long or net short position of 1,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 726

The position limit for any Swiss Franc Futures Contract shall be a net long or net short position of 1,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 746

The position limit for any Deutsche Mark Futures Contract shall be a net long or net short position of 1,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more

persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 766

The position limit for any Canadian Dollar Futures Contract shall be a net long or net short position of 1,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 786

The position limit for any Japanese Yen Futures Contract shall be a net long or net short position of 1,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its

hedge, intercommodity spread or arbitrage determination.

Rule 807

The position limit for 90-Day Treasury Bill Futures Contract shall be a net long or net short position of 5,000 contracts for any person in all delivery months combined, except that 21 days prior to the last trading day of any contract month the maximum long or short position which any person may hold or control in such contract month is 2,500 contracts and seven days prior to the last trading day of any contract month the maximum long or short position which any person may hold or control in such contract months is 500 contracts, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 827

The position limit for any Treasury Bond Futures Contract shall be a net long or net short position of 5,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 887

The position limit for any Eurodollar Futures Contract shall be a net long or net short position of 5,000 contracts for any person in all delivery months combined, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery months and the number of open short contracts in all delivery months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Rule 1007

The position limit for any CD Futures Contract shall be a net long or net short position of 5,000 contracts for any person in all delivery half-months combined, except that 14 days prior to the first notice day of any delivery half-month the maximum long or short position which any person may hold or control in such delivery half-month is 4,000 contracts and on the first notice day of any delivery half-month the maximum long or short position which any person may hold or control in such delivery half-month is 500 contracts, computed in accordance with the following rules:

(i) All contracts carried in accounts in which trading is directly or indirectly controlled, by power of attorney or otherwise, by any person or by two or more persons acting pursuant to an expressed or implied agreement or understanding with respect to such trading shall be aggregated.

(ii) In computing the position limit for all delivery half-months combined, the net long or net short position shall be the difference, if any, between the number of open long contracts in all delivery half-months and the number of open short contracts in all delivery half-months.

(iii) All contracts which are part of hedge positions, intercommodity spread positions or arbitrage positions under Rule 307 shall be excluded in computing the net long or net short position of the person or persons with respect to which the Exchange made its hedge, intercommodity spread or arbitrage determination.

Position Limit Rule**Rule 307**

(a) No member or member organization shall permit any customer or customers to hold or control any positions in excess of the position limit set forth under Rules of the Exchange relating to position limits in any account or accounts which such member or member organization carries for such customer or customers.

(b) Any person that desires to have certain futures contracts excluded in computing the net long or net short position such person may hold or control under Rules of the Exchange relating to position limits, may file with the Exchange an application, in such form and accompanied by such information as the Exchange may prescribe, requesting that the Exchange treat such futures contracts as hedge positions, intercommodity spread positions or arbitrage positions, as the case may be. Such application must include:

(i) Potential size of the futures transactions.

(ii) In the case of proposed hedge positions, a description of the intended futures transactions(s), a description of the offsetting cash position, and information demonstrating that such positions can be expected to meet the requirements of Commission Regulation 1.3(z)(1).

(iii) In the case of proposed arbitrage and intercommodity spread positions, a description of the type of intended futures transactions for which the exclusion is requested, and a statement explaining the appropriateness of the proposed position.

(iv) A statement that the intended futures transactions(s) will be bona fide hedges, arbitrage positions or intercommodity spread positions.

(c) The Exchange will give the applicant, and any member or member organization carrying accounts for the applicant, written notice indicating to what extent, if any, the applicant's positions may be treated as hedge positions, intercommodity spread positions or arbitrage positions for purposes of the Rules governing position limits. In the case of arbitrage and intercommodity spread positions, the Exchange may impose such limitations as are commensurate with the liquidity of the markets involved, or with the applicant's financial ability or business circumstances, or with the appropriateness of the arbitrage or intercommodity spread positions. The Exchange may at any time and from time to time review determination made hereunder; require any applicant to

submit such additional information as the Exchange may consider necessary or appropriate for purposes of this Rule; and revoke, modify, condition or otherwise limit any determination made hereunder with respect to the positions that may be treated as hedge positions, intercommodity spread positions or arbitrage positions for any person.

(d) Any member or member organization which carries any account or accounts for any person or persons that violate any Rules of the Exchange relating to position limits shall liquidate any futures contracts in excess of the limits promptly and in any event within such time as the Exchange may prescribe and shall report to the Exchange when such excess has been reduced. If a member or member organization fails to liquidate any excess futures contracts within the time prescribed by the Exchange, the Exchange may liquidate such excess. Any such liquidation of futures contracts may be effected in such manner as the Exchange, in its discretion, may determine. Without limiting the generality of the foregoing, any such liquidation may be effected by placing with one or more members or member organizations chosen at the discretion of the Exchange, orders for the purchase or sale of futures contracts on the Floor. The member or member organization for whose account such futures contracts are to be liquidated shall be liable to the Exchange for any commissions or other expenses incurred in liquidating such account. The Exchange shall not be liable in any way to a member or member organization, or to any other person, whose accounts have been liquidated pursuant to this Rule, including without limitation claims for losses arising out of the liquidation or the time and manner or the prices at which liquidation was effected.

(e) Any member or member organization which has, or carries an account for any customer which has hedge, intercommodity spread or arbitrage positions, must carry such positions in a special account. Other materials submitted by the NYFE in support of these proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the

proposed exchange rules should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by (30 days). Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on December 13, 1982.

Jane K. Stuckey,
Secretary to the Commission.

[FR Doc. 82-34251 Filed 12-16-82; 8:45 am]
BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Discharge Review Boards; Army Discharge Review Board Standard Operating Procedures

Notice is hereby given that the Army Discharge Review Board Standard Operating Procedures published in the *Federal Register* (44 FR 25046) on April 27, 1979 are rescinded. At that time it was stated that while the SOP was designed for internal use by members and support personnel of the review board, it was published with the anticipation that applicants before the board may also find guidance contained in the document helpful in preparing for discharge review. Since then there has been an extensive modification to and expansion of the rules relating to discharge review in Department of Defense Directive 1332.28. This detailed guidance was published in the *Federal Register* (47 FR 37770) on August 26, 1982, and it provides the essential information concerning procedures, standards, forms and policies needed for the guidance of the public interested in functions of the Army Discharge Review Board. Further guidance will be provided in the Army's implementation (Army Regulation 15-180) of DOD Directive 1332.28, which will be published in the *Federal Register*.

(5 U.S.C. 552, 10 U.S.C. 133, 10 U.S.C. 136, 10 U.S.C. 1553, and delegations of authority from the Secretary of Defense and Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics)

Francis X. Plant,
Deputy Assistant Secretary (DA Review Boards and Personnel Security).

[FR Doc. 82-34263 Filed 12-16-82; 8:45 am]
BILLING CODE 3710-08-M

Discharge Review Boards; Discharge Review Composite Index

The Armed Forces Discharge Review/Correction Board Reading Room will provide a composite index for April, July and October 1982, and January 1983 which will be distributed on or about February 1, 1983. Applicants to the Army, Navy, and Air Force Discharge Review Boards and Board for Correction of Military (or Naval) Records may request a postponement or continuation of a review in order to make use of the composite index, and a person who requests a postponement or continuance for the express purpose of using the composite index will be rescheduled for a new review at the earliest possible date, subject to traveling schedule for hearings outside the National Capital Region. This policy will remain in effect for continuances and postponements requested before March 15, 1983.

Additionally, applicants may request reconsideration of final decisions issued in their particular case by the Discharge Review Boards and Correction Boards. An applicant shall receive reconsideration of such a decision in the following circumstances: (1) The reconsideration must pertain to a case in which, between April 15, 1982 and January 31, 1983, the applicant (or his counsel) submitted an application, participated in a hearing, or otherwise presented an issue to the Board; (2) the applicant must certify that he attempted to use the index between April 15, 1982 and January 31, 1983 to prepare materials for submission to the Board prior to the Board's final decision; (3) the applicant must request reconsideration expressly on the grounds that a cited case listed in the composite index was not listed in the index which the applicant attempted to use; (4) the applicant must submit an issue that sets forth principles and facts from the cited case that are relevant to his case and the applicant must cite such principles and facts as basis for relief; (5) the cited case must have been decided at least 30 days prior to the date of decision in the applicant's case; and (6) the request for reconsideration must be received on or before January 31, 1984. (5 U.S.C. 552, 10 U.S.C. 133, 10 U.S.C. 136, 10 U.S.C. 1553, and delegations of authority from the Secretary of Defense and Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.)

Dated: December 8, 1982.

Francis X. Plant,
Deputy Assistant Secretary (DA Review Boards and Personnel Security).

[FR Doc. 82-34262 Filed 12-16-82; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Governmental Relations and Legislation Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: January 10-11, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: Sun City Center, Sun City, Florida.

FOR FURTHER INFORMATION CONTACT: Helen Banks, Administrative Assistant, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004 (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee is open to the public. The proposed agenda includes:

Consolidation and Block Grants
Adult Education Reauthorization

Preparation of Report to Council on
Legislative Recommendations

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on December 13, 1982.

Rick Ventura,

Executive Director, National Advisory
Council on Adult Education.

[FR Doc. 82-34249 Filed 12-16-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 703-000 et al.]

Utah Power & Light Co.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Exemption for Small Conduit Hydroelectric Facility.

b. Project No. P-703-000.

c. Date Filed: October 28, 1982.

d. Applicant: Utah Power & Light Company.

e. Name of Project: Paris Project.

f. Location: Paris Creek in Bear Lake County, Idaho.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Jody L. Williams, Attorney, 1407 West North Temple, P.O. Box 899, Salt Lake City, Utah 84110.

i. Comment Date: January 31, 1983.

j. Description of Project: The Paris Hydroelectric Project is currently operating under FERC License 703, issued November 11, 1975, and no new construction is planned. The project consists of: (1) A 0.61-acre forebay with a timber and concrete spillway; (2) a concrete intake structure; (3) a 1,366-foot-long, 22 to 30-inch-diameter steel penstock; (4) a powerhouse containing one turbine/generator unit with a capacity of 715 kW; (5) a 60-foot-long, 30-inch-diameter steel discharge pipe; and (6) a tailwater basin. The average annual generation is 2,450 MWh.

k. Purpose of Project: Project energy is utilized in Utah Power & Light Company's electric distribution system and is sold to the public utility customers in its service area.

l. This notice also consists of the following standard paragraphs: B, C and D3b.

2a. Type of Application: Amendment of License.

b. Project No: 803-006.

c. Date Filed: November 8, 1982.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: DeSabra-Centerville.

f. Location: West Branch Feather River and Butte Creek, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

h. Contact Person: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087A, San Francisco, California 94106.

i. Comment Date: January 26, 1983.

j. Description of Project: Licensee proposes to improve its existing DeSabra-Centerville Project by adding the Toadown Development which would consist of: (1) A 7-foot-high intake structure; (2) the existing Rapid Pipe; (3) a 1,552-foot-long, 54-inch-diameter steel penstock; (4) a powerhouse containing one generating unit rated at 1,660 kW; (5) a tailrace; and (6) a 1,500-foot-long transmission line. The average annual energy generation would be 8.43 million kWh.

Licensee has also requested that the term of license for Project No. 803 be extended.

k. Purpose of Project: The energy generated by the project would be utilized to meet demands in Licensee's service area.

l. This notice also consists of the following standard paragraphs: B, C, D1.

3a. Type of Application: Major License (more than 5 MW).

b. Project No: 3239-001.

c. Date Filed: June 1, 1982.

d. Applicant: Puget Sound Power & Light Company.

e. Name of Project: Sandy Creek Project.

f. Location: on Rocky, Sulphur and Sandy Creeks within Mt. Baker National Forest in Whatcom County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

h. Contact Person: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

i. Comment Date: January 7, 1983.

j. Competing Application: Projects No. 6373-000 and No. 6374-000 (Due Date: December 10, 1982).

k. Description of Project: The proposed project would consist of: (1) A 15-foot-high concrete gravity diversion

structure with crest elevation of 3,205 feet (m.s.l.) on Upper Sulphur Creek; (2) a 42-inch-diameter, 11,500-foot-long concrete pipeline; (3) a 36-inch-diameter, 4,000-foot-long penstock; (4) a powerhouse of Sulphur Creek (Powerhouse No. 1) containing a single generating unit with a rated capacity of 5,600 kW; (5) a second 15-foot-high concrete gravity diversion structure with crest elevation of 2,025 feet on Rocky Creek; (6) a 42-inch-diameter 2,500-foot-long concrete pipeline diverting waters of Rocky Creek into Sulphur Creek; (7) a third 15-foot-high concrete gravity diversion structure on Sulphur Creek immediately downstream of discharge point from Powerhouse No. 1 and Rocky Creek diversion pipeline; (8) a 54-inch-diameter, 9,000-foot-long concrete pipeline; (9) a 48-inch-diameter, 6,000-foot-long penstock, leading to Powerhouse No. 2; (10) a fourth 15-foot-high concrete gravity diversion structure with crest elevation of 1,455 feet on Sandy Creek; (11) a 48-inch-diameter, 4,300-foot-long concrete pipeline; (12) a 40-inch-diameter, 4,000-foot-long penstock also leading to Powerhouse No. 2; (13) a powerhouse on Sandy Creek (Powerhouse No. 2) containing two generating units with rated capacities of 9,000 and 3,000 kW; and (14) a 34.5-kV, 5.7-mile-long transmission line connecting the two proposed powerhouses with the Applicant's existing substation adjacent to the Upper Baker River Development southeast of the project. Project energy would be utilized by the Applicant to serve its customers.

m. This notice also consists of the following standard paragraphs: A3, B, & C.

4a. Type of Application: Exemption from Licensing.

b. Project No.: P-3412-002.

c. Date Filed: October 25, 1982.

d. Applicant: The City of Oxford, Kansas.

e. Name of Project: Oxford Mill Project.

f. Location: Arkansas River in Sumner County, Kansas.

g. Filed Pursuant to: Section 408 of the Energy Security Act (1980) (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Charles Webb, Mayor, City of Oxford, City Hall, Oxford, Kansas 67119.

i. Comment Date: January 31, 1983.

j. Description of Project: The project would consist of the reconstruction and restoration of existing facilities which include: (1) A main rockfill diversion dam about 750 feet long and 3 feet high; (2) a natural channel three-quarters of a mile long; (3) a secondary earth and

rockfill diversion dam 210 feet long and 6 feet high; (4) a 1-mile-long millrace; (5) a powerhouse with an installed capacity of 300 kW; and (6) other appurtenances. Applicant estimates average annual generation would vary from 1,300,000 kWh to 2,010,000 kWh.

k. Purpose of Project: Project energy would be sold to the Kansas Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

5a. Type of Application: Major License (over 5 MW).

b. Project No. 3571-001.

c. Date Filed: November 17, 1982.

d. Applicant: Central Oregon Irrigation District.

e. Name of Project: Central Oregon Siphon Power Project.

f. Location: On Deschutes River in Deschutes County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Ron Nelson, Central Oregon Irrigation District, 847 South Sixth Street, P.O. Box 548, Redmond, Oregon 97756.

i. Comment Date: February 16, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) Two new 2.5-foot-high by 18-foot-long concrete weirs on the Deschutes River; (2) an existing 150-foot-long flume; (3) an existing siphon, approximately 6,000 feet long; (4) a 1,148-foot-long section of the existing Central Oregon Canal; (5) a new check structure to divert water from the canal to; (6) two 84-inch-diameter penstocks leading to; (7) a powerhouse to contain two turbine-generating units with a total rated capacity of 6.5 MW under a head of 130 feet; (8) a switchyard; and (9) appurtenant facilities. The project would generate 35.26 million kWhs. No transmission line is included in this project. The line would be constructed by others for which a separate license application will be filed. The license application for the Central Oregon Siphon Power Project was filed as the result of a preliminary permit issued for the project.

k. This notice also consists of the following standard paragraphs: A2, B and C.

6a. Type of Application: Application for License (5 MW or Less).

b. Project No: 3572-001.

c. Date Filed: September 30, 1982.

d. Applicant: North Stratford Equipment Corporation.

e. Name of Project: Livermore Falls Hydro Project.

f. Location: Grafton County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. George K. Lagassa, Mill Pond Hydro Corporation, P.O. Box 4461, Portsmouth, New Hampshire 03801.

i. Comment Date: February 11, 1983.

j. Description of Project: The proposed project would be run-of-the-river and would consist of: (1) A breached dam, with the 83-foot long concrete spillway section remaining, to be repaired and reconstructed with a 258-foot long rock-filled timber crib section (or possibly a concrete gravity section if economically feasible) resulting in a dam, 341 feet long and 20 feet high, with spillway crest at 514 feet m.s.l.; (2) a reservoir having minimal pondage; (3) a gated intake structure with trashracks and two rectangular pressure flumes, each 10½ feet by 9 feet, integral with (4) a powerhouse to be rehabilitated and equipped with two rebuilt turbine-generator units having rated capacities of 750 kW each for a total rated capacity of 1,500 kW; (5) a tailrace returning flow to the Pemigewasset River approximately 100 feet downstream of the dam; (6) a new transmission line, approximately 500 feet long through an underground conduit, and a switchyard; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9,500,000 kWh. Project energy will be sold to the utility serving the area. Applicant states that a possible 2,000 kW capacity may be added in a future project expansion if this becomes feasible. This application was filed during the term of the Applicant's preliminary permit for Project No. 3572-000.

k. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

7a. Type of Application: Amendment of License.

b. Project No: P-3706-002.

c. Date Filed: November 12, 1982.

d. Applicant: American Hydro Power Company.

e. Name of Project: Mussers Dam.

f. Location: Middle Creek, Snyder County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085.

i. Comment Date: January 28, 1983.

j. Description of Project: Under the license, Licensee is authorized to rehabilitate an existing turbine and install a 350-kW generator. Licensee now proposes to install a 300-kW generator, in combination with the existing turbine, and in addition, install a new 40-kW turbine-generator unit.

k. This notice also consists of the following standard paragraphs: B, C.

8a. Type of Application: Exemption From Licensing.

b. Project No: 6616-000.

c. Date Filed: August 19, 1982.

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Sky Creek.

f. Location: On Sky Creek, within the Ross Lake Recreation Area, near Marblemount, in Skagit County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. 2705, and 2708 as amended.

h. Contact Person: Mr. Jerome E. Livingston, President, Olympus Energy Corporation, 201-215th Street, SE., Bothell, Washington 98011.

i. Comment Date: January 24, 1983.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 35-foot-long concrete diversion structure; (2) a 1,670-foot-long, 30-inch-diameter steel pipeline; (3) a 1,500-foot-long, 30-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 1.9 MW; and (5) a 200-foot-long transmission line. The Applicant estimates that the average annual energy production would be 12.5 million kWh.

k. Purpose of Project: Project power would be sold to a local public utility.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

9a. Type of Application: Preliminary Permit.

b. Project No: 6666-000.

c. Date Filed: September 1, 1982.

d. Applicant: Lawrence J. McMurtrey.

e. Name of Project: Presentin Creek Waterpower Project.

f. Location: Presentin Creek, near Hamilton, within Snoqualmie-Mt. Baker National Forest, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122-196th N.E. Redmond, Washington 98052.

i. Comment Date: February 22, 1983.

j. Description of Project: The proposed project would consist of: (1) Five 2-foot-high, 10-foot-long diversion structures on Presentin Creek; (2) a 12,000-foot-long,

36-inch-diameter diversion pipeline; (3) a powerhouse with a total installed capacity of 3.19 MW; and (4) a 115-kV transmission line. The Applicant estimates that the average annual energy production would be 13.98 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, & D2.

10a. Type of Application: Preliminary Permit.

b. Project No: 6727-000.

c. Date Filed: September 29, 1982.

d. Applicant: Northwest Power Company, Incorporated.

e. Name of Project: Miner's Tunnel Hydroelectric Project.

f. Location: On South Yuba River, near Nevada City, in Nevada County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. J. Ward MacDonald, President, Northwest Power Company, Incorporated, 1250 Pine Street, Suite 100, Walnut Creek, California 94596.

i. Comment Date: February 18, 1983.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 60-foot-long concrete diversion structure; (2) a 12-foot-high, 18-foot-wide, and 950-foot-long existing tunnel; (3) a 10-foot-diameter, 75-foot-long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 2,000 kW; and (5) a 1.5-mile-long transmission line to connect to an existing Pacific Gas and Electric Company's transmission line. The Applicant estimates the average annual energy production at 8.7 million kWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, & D2.

11a. Type of Application: Preliminary Permit.

b. Project No. 6732-000.

c. Date filed: October 1, 1982.

d. Applicant: Modesto Irrigation District.

e. Name of Project: Big Grizzly Canyon Creek.

f. Location: On Big Grizzly Canyon Creek, within the El Dorado National Forest, near Georgetown, Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, Modesto, California 95352.

i. Comment Date: February 14, 1983.

j. Competing Application: Project No. 6487. Date Filed: July 6, 1982.

k. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 30-foot-long concrete diversion structure; (2) a 6,100-foot-long,

20-inch-diameter conduit; (3) a 1,920-foot-long, 12-inch-diameter penstock; (4) a powerhouse containing a single generating unit with an installed capacity of 952 kW; and (5) a 14,460-foot-long, 12-kV transmission line interconnecting to an existing PG&E transmission line. The Applicant estimates that the average annual energy production would be 4.1 million kWh. A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$25,000.

l. Purpose of Project: Project power would be utilized by the Applicant for its customers.

m. This notice also consists of the following standard paragraphs: A3, B, C, n. Agency Comments: D2.

12a. Type of Application: Preliminary Permit.

b. Project No. 6733-000.

c. Date filed: October 1, 1982.

d. Applicant: Modesto Irrigation District.

e. Name of Project: Long Canyon Creek.

f. Location: On Long Canyon Creek, within the Eldorado National Forest, near Georgetown, Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, Modesto, California 95352.

i. Comment Date: January 6, 1983.

j. Competing Application: Project No. 6485. Date Filed: July 6, 1982.

k. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 30-foot-long concrete diversion structure; (2) an 11,700-foot-long, 36-inch-diameter conduit; (3) a 1,500-foot-long, 30-inch-diameter penstock; (4) a powerhouse containing a single generating unit with an installed capacity of 1,360 kW; and (5) a 10,500-foot-long, 12-kV transmission line interconnecting to an existing PG&E transmission line. The Applicant estimates that the average annual energy production would be 5.8 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and

economic studies; and prepare and FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$45,000.

l. Purpose of Project: Project power would be utilized by the Applicant for its customers.

m. This notice also consists of the following standard paragraphs: A3, B, C, D2.

13a. Type of Application: Preliminary Permit.

b. Project No. 6735-000.

c. Date Filed: October 1, 1982.

d. Applicant: Modesto Irrigation District.

e. Name of Project: Duncan Canyon Creek.

f. Location: On Duncan Canyon Creek, within the El Dorado National Forest, near Georgetown, Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, Modesto, California 95352.

i. Comment Date: January 6, 1983.

j. Competing Application: Project No. 6486 Date Filed: July 6, 1982.

k. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 30-foot-long concrete diversion structure; (2) a 25,800-foot-long, 48-inch-diameter conduit; (3) a 1,600-foot-long, 36-inch-diameter penstock; (4) a powerhouse containing a single generating unit with an installed capacity of 4,760 kW; and (5) a 2,100-foot-long, 12-kV transmission line interconnecting to an existing PG&E transmission line. The Applicant estimates that the average annual energy production would be 20.6 million kWh. A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$45,000.

l. Purpose of Project: Project power would be utilized by the Applicant for its customers.

m. This notice also consists of the following standard paragraphs: A3, B, C, n. Agency Comments: D2.

14a. Type of Application: Exemption from Licensing.

b. Project No: 6775-000.

c. Date Filed: October 18, 1982.

d. Applicant: The Winchester Water Control District & Elektra Power Corporation.

e. Name of Project: Winchester Dam Hydroelectric Project.

f. Location: North Umpqua River, near Winchester, Douglas County, Oregon.

g. Filed Pursuant to: Section 408 of the Energy Security Act, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. D. Dixon Collins, 744 San Antonio Road, Palo Alto, California 94304.

i. Comment Date: January 21, 1983.

j. Description of Project: The proposed project would consist of: (1) The Applicant's existing 17-foot-high, 450-foot-long Winchester Dam; (2) an intake structure within the northwest abutment of the dam; (3) a 25-foot-wide, 59-foot-long concrete channel; (4) a powerhouse at the foot of the dam containing two generating units with a total installed capacity of 1,300 kW; (5) a 40-foot-wide, 300-foot-long tailrace channel; and (6) a 120-foot-long transmission line to connect to an existing Pacific Power and Light Company's (PP&LC) transmission line. The estimated average annual energy generation of 8,863,000 kWh would be sold to PP&LC.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

15a. Type of Application: Preliminary Permit.

b. Project No.: 6829-000.

c. Date Filed: November 4, 1982.

d. Applicant: Power Resources Development Corporation.

e. Name of Project: Sandy Creek Project.

f. Location: Sandy Creek, Jefferson County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Roger P. Swanson, 49 Onondaga Street, Skaneateles, New York 13152.

i. Comment Date: February 16, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing masonry gravity dam, 12 feet high and 130 feet long; (2) a reservoir with a surface area of 2.6 acres, a storage capacity of 6 acre-feet, and a normal water surface elevation of 628 m.s.l.; (3) an existing 5-foot diameter steel penstock 40 feet long; (4) a new powerhouse containing one 420 kW generating unit; (5) a new tailrace; (6) a new switchyard; (7) a new transmission line; and (8) appurtenant facilities. The Applicant estimates the annual average energy production would be 2,200,000 kWh. The existing project facilities are owned by Lawrence R. Taft.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B and C.

m. Agency Comments: D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be \$27,500.

16a. Type of Application: Exemption from licensing (5MW or less).

b. Project No.: 6830-000.

c. Date Filed: November 4, 1982.

d. Applicant: Woods Creek, Inc. and Burlington Northern Railroad Company.

e. Name of Project: Proctor Creek Hydroelectric.

f. Location: On Proctor Creek in Snohomish County, Washington; partially within Snoqualmie National Forest.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Neil H. Macdonald, Woods Creek, Inc., 14 South Idaho Street, Seattle, Washington 98134.

i. Comment Date: January 12, 1983.

j. Competing Application: Project No. 6176. Date Filed: April 7, 1982 and Project No. 6532, filed July 16, 1982.

k. Description of Project: The proposed project would consist of: (1) A 6-foot-high timber diversion weir with crest at elevation 1606 feet; (2) a 36-inch-diameter, 15,300-foot-long steel penstock; (3) a powerhouse at elevation 320 feet containing a turbine-generating unit rated at 2.4 MW and an average annual energy output of 10.2 GWh; (4) a 75-foot-long tailrace; (5) a 1,000-foot-long transmission line; and (6) a new 500-foot-long roadway.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

17a. Type of Application: Preliminary Permit.

b. Project No. 6843-000.

c. Date Filed: November 15, 1982.

d. Applicant: City of Ithaca.

e. Name of Project: 30-Foot Dam Project.

f. Location: Six Mile Creek, Tompkins County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jay Ryder, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

i. Comment Date: January 11, 1983.

j. Competing Application: Project No. 6519-000 Date Filed: July 15, 1982.

k. Description of Project: The proposed project would consist of: (1) The existing concrete arch 30-Foot Dam, 30 feet high and 65 feet long; (2) a reservoir having a surface area of 20 acres, storage capacity of 287 acre-feet, and a normal water surface elevation of 583.5 feet m.s.l.; (3) an existing 2-foot diameter pipeline 4900 feet long extending to; (4) a new powerhouse containing one new generating unit with a capacity of 810 kW; and (5) appurtenant facilities. Applicant owns all of the existing facilities. Applicant estimates that the average annual energy production would be 2,838,240 kWh.

l. Purpose of Project: All project power would be sold to New York State Electric and Gas Company.

m. This notice also consists of the following standard paragraphs: A3, B, C, D2.

n. Proposed Scope of Studies Under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the Studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be \$25,400.

18a. Type of Application: Preliminary Permit.

b. Project No: 6848-000.

c. Date Filed: November 12, 1982.

d. Applicant: Dixfield Power Company.

e. Name of Project: Dixfield.

f. Location: Near the town of Dixfield, Oxford County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Harry S. D. Adams, Manager, Hydroelectric Resources, P.O. Box 50, One Jefferson Square, Boise, Idaho 83728.

i. Comment Date: February 22, 1983.

j. Description of Project: The proposed project would consist of: (1) A new 25-foot high, 550-foot long earthen dam with a concrete spillway section; (2) an 183-acre reservoir with a total storage capacity of 1,830 acre-feet at elevation 410 feet M.S.L.; (3) a new powerhouse built integrally with the dam containing

turbine-generators with a total rated capacity of 5,325 kW; (4) a 200-foot long tailrace channel with a tailwater elevation of 390 feet M.S.L.; (5) a 300-foot long transmission line; and (6) appurtenant facilities. The project would generate up to 32,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to the local utility.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B and C.

m. Agency Comments: D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, geotechnical tests including test pits and borings in the vicinity of the proposed dam, and a study of environmental impacts. Disturbed areas would be restored upon completion of geotechnical tests. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of a application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to \$300,000.

19a. Type of Application: Preliminary Permit.

b. Project No: 6854-000.

c. Date Filed: November 15, 1982.

d. Applicant: Brown's Industries, Inc.

e. Name of Project: Brown's Pond Hydroelectric Project.

f. Location: On Lake Fork, Payette River, in Valley County, near McCall, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) — 825(r).

h. Contact Person: Mr. Judd W.

DeBoer, President, Brown's Industries, Inc., P.O. Box 100, Eagle, Idaho 83616; with a copy to: Mr. Eric Schultz, CH2M Hill, 700 Clearwater Lane, P.O. Box 8748, Boise, Idaho 83707.

i. Comment Date: February 22, 1983.

j. Description of Project: The proposed project would consist of: (1) The existing 1,200-acre-foot Brown's Pond created by an existing earthfill embankment, 45 feet high and 400 feet long belonging to Edward A. Cruzen, Warren H. Brown, and Jayne J. Brown; (2) a new intake structure; (3) a new penstock 42 inches in diameter and 4,250 feet in length; (4) a powerhouse to contain a reaction-type, turbine-generating unit with a rated capacity of 750 kW operating under a head of 92 feet and producing 2.5 million kWhs of energy annually; (5) a 3.5-mile-long, 12.5-kV transmission line to connect to an existing Idaho Power

Company line; and (6) appurtenant facilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new roads would be required to conduct the feasibility studies.

k. Purpose of Project: The project energy would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

20a. Type of Application: Preliminary Permit.

b. Project No. 6855-000.

c. Date Filed: November 15, 1982.

d. Applicant: Mendocino County.

e. Name of Project: McKee Park Water Power Project.

f. Location: On East Fork Russian River, Mendocino County, near Potter Valley, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) — 825(r).

h. Contact Person: Mr. Albert P. Beltrami, County Administrative Officer, County of Mendocino, Courthouse — Room 110, Ukiah, California 95482.

i. Comment Date: February 22, 1983.

j. Description of Project: The proposed project would consist of: (1) An approximately 10-foot-high by 120-foot-long diversion dam; (2) a 350-foot-long flume; (3) a powerhouse with an installed capacity of 450 kW operating under a head of 17 feet and producing 2.5 million kWhs of energy annually; and (4) a 660-foot-long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line. A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

k. Purpose of Project: The project energy is proposed to be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

21a. Type of Application: Preliminary Permit.

b. Project No. 6857-000.

c. Date Filed: November 17, 1982.

d. Applicant: City of Yakima.

e. Name of Project: Yakima Diversion Dam Hydroelectric Project.

f. Location: On Naches River, in Yakima County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Richard A. Zais, Jr., City Manager, City of Yakima,

129 North Second Steet, Yakima, Washington 98902, with a copy to: Mr. John Mayo, CH2M Hill, P.O. Box 9249, Yakima, Washington 98909.

i. Comment Date: February 16, 1983.

j. Description of Project: The proposed project would consist of: (1) The existing City of Yakima's 8-foot-high by 190-foot-long diversion dam; (2) a new intake structure; (3) a new forebay canal; (4) a powerhouse with an installed capacity of 650 kW; (5) a tailrace channel; (6) a 4.1 kV, 0.4-mile-long transmission line to connect to an existing Pacific Power and Light Company and; (7) a new substation. The powerhouse would operate under a net head of 6 feet with a design flow of 1,500 cfs producing 3.5 million kWhs of energy annually. A permit, if issued, does not allow construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

k. Purpose of Project: The project energy would be sold to a private or a public utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

22a. Type of Application: Preliminary Permit.

b. Project No. P-6862-000.

c. Date Filed: November 18, 1982.

d. Applicant: City of Lewiston, Maine.

e. Name of Project: Lewiston Falls.

f. Location: City of Lewiston, Androscoggin County, Maine.

g. Filed Pursuant to: FPA, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Anthony W. Buxton, Preti, Flaherty and Beliveua, One Memorial Circle, Augusta, Maine 04330.

i. Comment Date: February 11, 1983.

j. Description of Project: The proposed project would utilize water from the existing canal system currently licensed as Project No. 2302 to Union Water Power Company. The Applicant proposes to study the feasibility of 7 alternative schemes of development of existing unlicensed turbine-generators along the canal system with a total rated capacity of up to 13.7 MW; or (2) construction of an entirely new powerhouse containing turbine-generators with a total rated capacity of up to 30.0 MW located in the vicinity of the Applicant's existing pumping station and the east abutment of dam #4; or (3) various combinations of refurbished existing facilities and construction of new facilities with a total rated capacity of up to 34.5 MW. Energy would be transmitted to the existing Central

Maine Power Company substation located in the immediate vicinity of the project on Mill Street. The project would generate up to 147,660,000 kWh annually. The existing facilities are owned by Union Water Power Company, Central Maine Power Company, W.S. Libbey Company and the Applicant.

k. Purpose of the Project: Energy produced at the project would be sold to the local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of

intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Features Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room, 208RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, The National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must

also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments with 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's

comments must also be sent to the Applicant's representatives.

Dated: December 13, 1982.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-34291 Filed 12-16-82, 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

[Docket No. EP-40-82-1]

Energy Emergency Preparedness

AGENCY: Office of Environmental Protection, Safety, and Emergency Preparedness, DOE.

ACTION: Notice of Availability of Reports.

SUMMARY: On August 3, 1982, the President signed into law the Energy Emergency Preparedness Act of 1982 (EEPA, the Act) (Pub. L. 97-229) (42 U.S.C. 6202-6245). The Act, among other provisions, adopted a series of amendments to certain available legal authorities related to the International Energy Program, the Strategic Petroleum Reserve (SPR), and other emergency preparedness programs. It further prescribed a variety of actions to be pursued to include the preparation and submission to Congress of an SPR Drawdown Plan, an SPR Drawdown and Distribution Report, a Regional Petroleum Reserve Report, a Strategic Alcohol Fuel Reserve Report, and a report setting forth Comprehensive Energy Emergency Response Procedures. The latter three reports are due to the Congress on December 31, 1982, and are being prepared.

The SPR Drawdown Plan and the SPR Drawdown and Distribution Report were due to the Congress on December 1, 1982. The purpose of this Notice of Availability is to advise that the President has approved the documents, and forwarded them to the Congress on the prescribed date. Two other items were also made available on December 1. President Reagan transmitted to Congress the finding required by section 4(a) of EEPA concerning the fill rate for the SPR. In addition, the DOE released a report entitled "Issues and Analysis on the Use of the SPR: Staff Paper on Department of Energy Approaches and Current Status of Studies" (DOE/EP-0075).

This Notice also summarizes the principal comments offered by the public in response to a Notice of Inquiry published in the *Federal Register* on September 29, 1982 (47 FR 42801). That Notice solicited advice and comment

from the public with regard to each of the requirements set forth in the Act.

FOR FURTHER INFORMATION CONTACT: Ronald L. Winkler, U.S. Department of Energy, Deputy Assistant Secretary for Energy Emergencies, Forrestal Building, Room 3G-072 (Mail Stop EP-40), 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2443.

SUPPLEMENTARY INFORMATION: I.

Summary of the SPR Drawdown Plan. Section 4(c) of the EEPA required that a new SPR Drawdown Plan be supplied to the Congress as a substitute for a Plan which has been in effect since November 15, 1979. Under a provision of the Act, the new Plan (Amendment No. 4) took immediate effect on the date it was transmitted to Congress.

The revised SPR Drawdown Plan (Amendment No. 4 to the SPR Plan) establishes new procedures for the drawdown, sale, and distribution of SPR oil in the event of a severe energy supply disruption, or to fulfill the obligations of the United States under the International Energy Program. The Plan is premised on the Administration's commitment to unencumbered free market adjustments to an energy shortage as the most reliable means of rapidly and efficiently distributing SPR oil in the event of an energy emergency. Accordingly, SPR oil will be sold wherever practicable to the widest range of buyers through price competitive sales.

Key features of SPR Plan Amendment No. 4 include the following departures from the Plan it supplants:

(1) References to potential Federal allocation of petroleum resources have been excised to reflect the President's rescission of petroleum allocation and price controls in January 1981, and the expiration of the Emergency Petroleum Allocation Act of 1974. This serves to buttress and underscore the Administration's belief in the reliability and efficacy of free market adjustments to energy disruptions.

(2) The sale for those quantities of SPR oil which the President releases will be made at market prices. At least 90 percent of the quantity sold in a given month will be sold on a price competitive basis, with awards going to the highest bidders.

(3) To further enhance the competitive character of SPR sales, the universe of buyers eligible to bid for SPR oil has been expanded to include all responsible buyers. The previous Plan had restricted the universe of eligible buyers to include only domestic refiners. The expansion of the buyer universe will be as large as possible to ensure the

maximum efficient distribution of SPR oil. Nonetheless, an important consideration in the process of selling SPR oil will be an assurance that sale and delivery schedules can be met, and a standard sales agreement which must be signed by all bidders will include measures which will guarantee the financial and performance responsibility of successful bidders to pay for and take timely delivery of SPR oil.

(4) As a measure of last resort, the new Plan permits the distribution of up to 10 percent of the volume of SPR oil released in any calendar month to specified buyers. Such directed distributions will be made in a manner determined by the Secretary of Energy. The price for such SPR oil will be the average price of SPR oil sold at the contemporaneous competitive sale, or at the most recent competitive sale, if no contemporaneous competitive sale is held. The Plan also provides for the temporary storage of SPR oil at SPR sites, where the Secretary of Energy deems this to be in the national interest.

II. Summary of the SPR Drawdown and Distribution Report. Section 6(b) of the EPPA required that an SPR Drawdown and Distribution Report which addresses the basic procedures and policies governing the use of the SPR be supplied to the Congress. The Report serves as a companion document and supplement to the SPR Drawdown Plan.

The Report underscores the Administration's policy of reliance on market mechanisms to distribute and price available petroleum supplies, including the SPR, during periods of disruption. It includes a summary of the legal authorities governing a SPR drawdown, a discussion of the objectives of SPR oil deployment, and a review of those factors which must be considered in making a SPR drawdown decision. Several illustrative scenarios are presented to indicate how various market factors may combine to influence a decision to deploy the SPR.

The Report also stresses the impracticability of establishing in advance any specific "trigger" or formula for a decision to use the SPR because of the wide and unpredictable range of conditions which may occur, and can only be known with clarity at the time of a supply disruption. The effects of such uncertainties on the decisionmaking process are addressed, as is an overview of contracting procedures for the sale of SPR oil.

Because of substantial changes in policies established by SPR Plan Amendment No. 4, current sales procedures are now being revised.

III. Summary of Public Comments. As a consequence of the Notice of Inquiry published in the *Federal Register* on September 29, 1982, 62 responses were received by the Department of Energy as of November 15, 1982. The majority of comments were provided by the petroleum industry and State governments, with the balance of comments having been provided by various associations and private sector groups. Most of the comments related to the Strategic Petroleum Reserve and the conditions of its use, and these are summarized below. Although a summary of comments related to the Regional Petroleum Reserve, the Strategic Alcohol Fuel Reserve, and the Comprehensive Energy Emergency Response Procedures will be provided after these reports have been transmitted to the Congress, they are occasionally referenced below to afford an improved perspective on commentor views. The principal comments provided were as follows:

(1) Among the larger companies of the oil industry, only Ashland, Arco, and Sun cited the desirability for allocation and price controls for SPR sales during severe energy emergencies. The remainder, including the American Petroleum Institute (API), which represented an industry viewpoint, were in favor of maximum competitive free market operations. All would limit buyers to bona fide refiners except Getty, which called for inclusion of "all domestic enterprises." All cited the need for flexibility in the timing and rate of a SPR drawdown except Getty, which recommended a 1 million barrel per day (MMBD) import shortfall trigger. The API also provided recommendations for greater Government and industry cooperation through the establishment of advisory groups, which may require additional antitrust and/or conflict-of-interest protection, and for the Federal preemption of State emergency plans which may conflict with those of the Federal Government.

(2) Independent refiners called for some form of special treatment in the distribution of SPR oil, including SPR oil allocations or preferred access provisions for their use. They believe that the Federal Government should preempt conflicting State emergency plans, and that the SPR buyer universe of eligible bidders should be limited to refiners alone.

(3) Distributors, marketers, and importers called for the expansion of the buyer universe to include importers, special access to SPR oil for independents and importers, the preemption of conflicting State plans, the early use of SPR oil in an energy

emergency, and Government intervention to assure the equitable distribution of SPR oil to those in need.

(4) Most Government-related entities, including the States, the National Governors' Association, and the Commonwealth of Puerto Rico, supported the establishment of Regional Petroleum Reserves. Most questioned the efficacy and equity of the free market in providing energy supplies to regions and certain individuals in the event of a severe energy supply shortage. Many recommended Federal intervention of some type in the marketplace in an emergency, and called for the establishment of such procedures as the standby allocation of SPR oil and, in some cases, even rationing. Puerto Rico was especially concerned about its unique and extreme dependency on foreign imports, and asserted that reliance on a free market approach to dealing with energy emergencies would result in shortages and shutdowns in the oil and petrochemical industries of the Commonwealth.

(5) Unrestrained free-market response in the event of an energy disruption was supported by petrochemical companies, the American Iron and Steel Institute (AISI), the U.S. Chamber of Commerce, and the Industrial Oil Consumers Group (IOCG), which includes, among others, ALCOA, General Motors, Bethlehem Steel, ARMCO, and U.S. Steel. Some emphasized the advantages of maintaining Presidential flexibility in selecting the rate and timing of a SPR drawdown during a shortage. The petrochemical respondents recommended expanding the SPR buyer universe to include all domestic buyers who are willing and able to process the oil received.

(6) To help assure that SPR oil reaches the marketplace rapidly in an emergency, the IOCG, supported by AISI, recommended monthly precrisis sales of rights to SPR oil. Actual distribution would occur only after a Presidential finding of a severe supply shortage, and would include up to 10 percent of the SPR oil in storage. Only domestic refiners with operating capacity would be eligible, competitive bidding with no set-asides would prevail, and a defense override would be provided. The AISI would also set a price floor at the spot price plus a premium. In this way, the IOCG believes use of the SPR oil would result in rapid national supply enhancement, price containment, and increased public confidence in actions being undertaken by the Government to deal with a shortage.

(7) The need for allocation priorities was strongly supported by the agriculture and food industry, the Vehicular Highway Transportation Industry, and Southern California Edison (SCE). Transportation companies were concerned with the confusion that might arise from differing State energy emergency plans, while the SCE supported the need for Regional Petroleum Reserves. The food industry respondents strongly pressed the argument that the food chain's vulnerability and criticality made some sort of allocation for their purposes essential. They noted that they may be forced to seek Congressional legislation to ensure SPR supplies for the food industry if this guarantee were not forthcoming in the SPR Drawdown Plan.

(8) In general, the expansion of the buyer universe was supported by those advocating free market approaches to the sale of SPR oil, while most of those who advocated the allocation of SPR oil for specific buyers or purposes called for the restriction of buyer eligibility. Concerning the timing and drawdown rate of the SPR oil during an emergency, there appeared to be general agreement that a SPR oil drawdown should occur in the early stages of a disruption to have the maximum beneficial effect on supply enhancement, prices, and public confidence in the remedial measures being pursued by the Government and the private sector.

IV. All comments received with regard to the Notice of Inquiry from the public are available for public inspection in the DOE Reading Room, room IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between 8:00 a.m. and 4:00 p.m., Monday through Friday. The docket number designation is "Energy Emergency Preparedness, Docket No. EP-40-82-1"

Copies of the SPR Drawdown Plan (DOE/EP-0073) and the SPR Drawdown and Distribution Report (DOE/EP-0074), as well as the Staff Paper (DOE/EP-0075) and the Presidential Finding, may be obtained by writing or contacting the DOE office of Public Affairs, Room 1E-218 Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-5568.

Dated: December 10, 1982.

William A. Vaughan,
Assistant Secretary, Environmental
Protection, Safety and Emergency
Preparedness.

[FR Doc. 82-34250 Filed 12-16-82; 8:45 am]

BILLING CODE 6450-01-M

European Atomic Energy Community; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/AT(EU)-59, from the Federal Republic of Germany to Austria, coated particles containing 2.80 grams of uranium, enriched to 90% in U-235, for post-irradiation examination. It is planned to return this material to the Federal Republic of Germany for disposal following conclusion of these tests.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 14, 1982.

George Bradley,

Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 82-34302 Filed 12-16-82; 8:45 am]

BILLING CODE 6450-01-M

European Atomic Energy Community; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S-EU-756, to Kernforschungsanlage Julich, the Federal Republic of Germany, 25 grams of natural

uranium, for use as standard reference material.

Contract Number S-EU-757, to the Central Bureau for Nuclear Measurements, Belgium, 0.002 grams of plutonium-244, 9.997 grams of plutonium-239, and 0.005 grams of uranium-233, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 14, 1982.

George Bradley,

Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 82-34303 Filed 12-16-82; 8:45 am]

BILLING CODE 6450-01-M

Norway and Sweden; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Norway and Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/NO (SW)-13, from Sweden to Norway, uranium samples containing 8,000 grams of uranium, enriched to an average of 3.5% in U-235, for analysis of uranium content, enrichment, and rare earth metals. After completion of analyses, the material will be disposed of as waste.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 14, 1982.

George Bradley,

Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 82-34304 Filed 12-16-82; 8:45 am]

BILLING CODE 6450-01-M

Sweden; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-SW-60, to the Lunds Universitet, Lund, Sweden, 0.5 micrograms of thorium-229, to be used as a radiochemical determinant to measure thorium-230, thorium-228, and thorium-232 in environmental samples.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 14, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-34305 Filed 12-16-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59111; TSH-FRL-2271-4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register* of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two

applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: December 30, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59111]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-14

Close of Review Period. January 19, 1983.

Manufacturer. Confidential.
Chemical. (G) Chlorinated, oleated, hydrocarbon polymer.

Use. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Clean out and disposal: dermal.

Environmental Release/Disposal. Release only by accidental spill. Disposal by RCRA (Resource Conservation and Recovery Act) approved methods.

TME 83-15

Close of Review Period. January 22, 1983.

Importer. Confidential.
Chemical. (G) (Substituted) anthracenylimino-(substituted) carbomonocyclic acid alkyl amine salt.

Use/Import. Confidential. The test marketing substance will be used in an open use that will release < 2 kg of the substance to the environment. Import range: Confidential.

Toxicity Data. Acute oral: > 8,000 mg/kg; Irritation: Skin—Non-irritating, Eye—Non-irritating.

Exposure. Use: dermal, a maximum of 5 workers, up to 2 hrs/da, up to 2 da/yr.
Environmental Release/Disposal. Less than 2 kg/yr released to air.

Dated: December 10, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-34287 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2269-4]

Extension of Prevention of Significant Deterioration Permit for Arizona Public Services Company, Cholla Generating Station Unit No. 5.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Action on PSD Permit Extension.

SUMMARY: On April 23, 1981, the Arizona Public Services Company (APS) requested an extension until December 31, 1984 for the date by which construction must recommence for Cholla Unit No. 5 at the Cholla Generating Station, Navajo County, Arizona. In the August 11, 1982 *Federal Register* (47 FR 34854) EPA proposed to approve this extension request for Unit No. 5.

FOR FURTHER INFORMATION CONTACT: David Solomon, New Source Section (A-3-1), Air Operations Branch, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, telephone (415) 974-8240.

DATE: This action is effective February 15, 1983.

SUPPLEMENTARY INFORMATION: On February 15, 1978, the EPA granted APS a Prevention of Significant Deterioration (PSD) Approval to Construct (NSR 4-1-2, AZP 78-01) for Cholla Unit No. 5, a 350 MW coal-fired steam-electric generating unit, at the Cholla Generating Station near Joseph City, Navajo County, Arizona. The Cholla Generating Station currently consists of one (1) 115 MW unit, two (2) 250 MW units and one (1) 350 MW unit. All four units are coal fired and in operation. APS commenced construction pursuant to 40 CFR 52.21(b)(8) on Cholla No. 5 on July 31, 1978. The information provided to EPA by APS indicated that APS had entered into site-specific contracts, which could not be cancelled or modified without substantial loss, to undertake a program of construction of Cholla No. 5 to be completed within a reasonable time. APS temporarily suspended construction of Cholla No. 5 on August 2, 1978, and on December 12, 1980 a termination notice was sent to the construction contractor. On April 23, 1981 APS requested from EPA an

extension of the period of time for which construction may be discontinued. The PSD regulations provide for a period of discontinued construction not to exceed eighteen months. A longer period of time would invalidate the PSD permit. The company requested that the permit remain valid until December 31, 1984, by which time construction is scheduled to continue.

In its request to EPA the company stated that since the issuance of the PSD permit, due to unforeseen circumstances, peak load forecasts underwent some major revisions. The letter cites customer initiated reduction in electric consumption, economic uncertainties, reduced growth predictions for the state, a company initiated load management and energy conservation program and other factors relating to reduce demand. In support of its request the company noted adverse financial, environmental, scheduling and other impacts that would result from APS having to submit a new permit application for Cholla Unit No. 5.

EPA reviewed APS's request and in the August 11, 1982 Federal Register proposed to approve the extension provided prior to commencing construction APS (1) submits to EPA for approval a new Best Available Control Technology (BACT) analysis for Cholla No. 5 at least as stringent as the existing permit and NSPS Subpart Da, and (2) reaffirm its commitment to begin construction by December 31, 1984 should any other major source express an interest in constructing in the impact area, but would be limited by the available increment. In that Federal Register Notice EPA states that the unforeseen reduction in consumer demand is sufficient justification for an extension of the construction discontinuance period. EPA believed it would be unwise to require the company to proceed with construction absent the need for additional electrical capacity. At the same time, EPA believes that as long as APS remains committed to proceeding with the construction, it would be wasteful of both the company's and the Agency's resources to invalidate the company's present PSD permit and require another PSD review of the project prior to December 31, 1984. This is especially true since APS must update Cholla No. 5 BACT to conform with the most current standards and will be held accountable should increment consumption in the area become a problem.

A thirty day public comment period was provided for interested parties to comment on EPA's proposed approval. Comments were specifically solicited from the State of Arizona as to the

appropriateness of the proposed extension since it affects the use of the PSD increment. EPA received one comment on its proposed approval submitted by the Arizona Department of Health Services (ADHS). ADHS agreed with the extension until December 31, 1984 provided they are furnished a copy of the new BACT analysis for comment and approval, and are also furnished a copy of APS's reaffirmed commitment to begin construction by December 31, 1984.

EPA has reviewed the comments received and has determined that the extension requested by APS for construction of Unit No. 5 is acceptable. Therefore, EPA approves the extension request. Construction of APS's Cholla Unit No. 5 must commence by December 31, 1984. Furthermore, prior to commencement of construction, APS must (1) submit to EPA and ADHS for approval a new BACT analysis for Cholla No. 5 at least as stringent as the existing permit and NSPS subpart Da, and (2) reaffirm its commitment to begin construction by December 31, 1984 should any other major source express an interest in constructing in the impact area, but would be limited by the available increment.

Today's action may be considered final agency action on the extension request submitted by APS. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 15, 1983. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Dated: December 7, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-34288 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2271-5]

Agency Statements

Availability of Environmental Impact Statements Filed Dec. 6 Through Dec. 10, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, 382-5075 or 382-5076

Corps of Engineers:

EIS No. 820788, Draft, COE, LA, PRO, Terrebonne Parish Forced Drainage System, Construction, Permit, Due: Jan. 31, 1983.

EIS No. 820789, Final, COE, OH, Fairfield/Pleasant Run Water Resources Development Hamilton/Butler Co., Due: Jan. 17, 1983.

Department of Interior:

EIS No. 820792, Draft, IBR, SEV, MT, WY, PRO, Yellowtail-Boysen Reservoirs Industrial Water Service Plan, Due: Feb. 7, 1983.

EIS No. 820794, Final, MMS, SEV, ATL, 1983 OCS, Oil and Gas Lease Sale #76, Mid-Atlantic, Due: Jan. 17, 1983.

Department of Transportation:

EIS No. 820793, Draft, FHW, IL, Windsor Rd., Construction, Mattis Ave. to Phila Rd., Champaign County, Due: Feb. 1, 1983.

EIS No. 820790, Draft, FHW, PA, Vine Street Improvement, 17th Street to I-95, Philadelphia County, Due: Feb. 15, 1983.

EIS No. 820786, Final, FHW, SEV, ND, MT, Mondak Bridge Construction, ND-1804 to ND-58, Missouri River, Due: Jan. 17, 1983.

EIS No. 820785, Final, FHW, OR, Coalbank Slough Bridge/Oregon Coast Hwy./OR-101 Replacement, Coos Co., Due: Jan. 17, 1983.

EIS No. 820787, Final, FHW, WI, WI-29 Improvement, CTS-S to Deerbrook Lane, Marathon County, Due: Jan. 17, 1983.

EIS No. 820784, DSUpl, FHW, MD, I-83 Corridor Improvements, Gay Street to I-95, Baltimore County, Due: Jan. 31, 1983.

EIS No. 820791, DSUpl, FHW, PA, I-279, Ft. Duquesne Bridge to I-79 & I-579, Crosstown Blvd. to I-279, Due: Feb. 13, 1983.

Environmental Protection Agency:

EIS No. 820782, Draft, EPA, REG, Synthetic Fiber Production Facilities, Emissions, Standards, Due: Feb. 11, 1983.

Department of Agriculture:

EIS No. 820783, Draft, AFS, SEV, NM, AZ, Coronado National Forest, Land and Resource Management Plan, Due: Mar. 11, 1983.

Amended Notices:

EIS No. 820758, Draft, SCS, AR, Larkin Creek Watershed Flood Protection Plan, Lee & St. Francis Cos. *Published FR 12/03/83—Review period reestablished due to noncompletion of distribution, Due: Jan. 31, 1983.*

EIS No. 820772, Final, FHW, OR, SW 185th Ave./Tualatin Valley Highway Intersection Improvement. *Published FR 12/10/82—Incorrect due date, Due: Jan. 7, 1983.*

Dated: December 14, 1982.

Louis J. Cordia,

Acting Director Office of Federal Activities.

[FR Doc. 82-34293 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

[Docket No. ECAO-CD-81-2; ORD-FRL 2269-8]

Air Quality Criteria Document for Lead; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: A series of preliminary peer-review workshops will be held in Research Triangle Park, North Carolina on January 18-19-20, 1983 to facilitate scientific and technical evaluation of some of the working draft chapters of the Air Quality Criteria Document for Lead. These workshops, which will be held in the main auditorium of the National Institute of Environmental Health Sciences (South Campus) in Research Triangle Park, N.C., will begin at 8:30 a.m. on Tuesday, January 18, with discussions of the effects of lead on the nervous, hematopoietic, renal, and other organ systems. This workshop is expected to end at 5:30 p.m., as are all the others. The workshop convening at 8:30 a.m. on Wednesday, January 19, will cover environmental concentrations and potential exposures and the epidemiological assessment of such exposures. The workshop beginning at 8:30 a.m. on Thursday, January 20, will complete discussions of the epidemiological assessment of the effects of lead exposure and take up the subject of risk evaluation based on these assessments. The public is invited to attend as observers.

FOR FURTHER INFORMATION CONTACT: Dr. David Weil, Project Manager, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone: 919/541-4163.

SUPPLEMENTARY INFORMATION: The existing Air Quality Criteria Document for Lead (EPA-600/8-77-017) is being updated and revised pursuant to Sections 108 and 109 of the Clean Air Act, as amended, 42 U.S.C. §§ 7408 and 7409, and will be used as a basis for the review and, as appropriate, revision of the National Ambient Air Quality Standard (NAAQS) for lead. As part of this process, EPA is assembling a panel consisting of its consulting authors and contributors, EPA personnel and other scientific and technically qualified persons selected by EPA to discuss the proposed revisions and suggest ways of resolving outstanding issues.

Subsequent to these workshops, revisions of the draft Air Quality Criteria Document for Lead will be made and the document released as an External Review Draft sometime in March or April, 1983. This External Review draft will be available for public comment during a 90-day period immediately following that release. In order to obtain a single copy of the External Review Draft as soon as it is available, interested parties should write to ORD Publications (Lead Doc),

P.O. Box 14189, Cincinnati, Ohio 45214 at this time and provide their mailing addresses. Further instructions regarding the External Review Draft and its subsequent public comment period will be forthcoming in a Federal Register announcement of its release.

Persons wishing to attend the upcoming January 18-20, 1983, workshops as observers should contact David Weil (see "Further Information" above). Copies of the draft chapters to be discussed will be provided at the meeting to such observers, who will have an opportunity to make brief oral statements should they so desire. Ample opportunity for public review of the revised chapters and submission of written comments will be provided when the first external review draft of the entire document is submitted for EPA Science Advisory Board review.

Detailed notes of the meeting will be kept by EPA, containing an accurate summary of key matters discussed and conclusions reached. These notes, preliminary chapter drafts discussed at the meeting, and other materials provided for or produced collectively at the meeting will be included in the docket established for the review of the lead document (Docket No. ECAO-CD-81-2). The docket is available for inspection and copying between the hours of 8:00 a.m. and 4:00 p.m. at EPA headquarters in the Central Docket Section (A-130), Gallery 1, West Tower, Waterside Mall, 401 "M" Street, SW., Washington, D.C. 20460.

Dated: December 3, 1982.

Courtney Riordan,

Acting Assistant Administrator for Research and Development (RD-672).

[FR Doc. 82-34286 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL 2269-7]

Science Advisory Board Executive Committee, Open Meeting

Under Pub. L. 92-463, notice if hereby given of a meeting of the Executive Committee of the Science Advisory Board. The meeting will be held January 5-6, 1983 starting at 9:15 a.m. in Room 1101 West Tower, EPA Headquarters, 401 M Street, SW, Washington, D.C.

The major purpose of the meeting is to enable the Committee to provide its advice and comment to EPA on Research Outlook 1983, the annual update of the Agency's five-year research and development plan. The Committee will also discuss plans for the review of the Agency's Program Integration Project, hear reports of

standing committees of the Board, as well as other issues of member interest.

The meeting is open to the public. Any member of the public wishing to obtain information or participate should contact Terry F. Yosie (202) 382-4126 by close of business December 29, 1982.

Terry F. Yosie,

Acting Staff Director, Science Advisory Board.

December 10, 1982.

[FR Doc. 82-34294 Filed 12-16-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Reconsideration Sought on Amendment of § 61.38 of The Rules

Notice is hereby given of the receipt of a petition for reconsideration of an October 8, 1982, Memorandum Opinion and Order (FCC 82-436, mimeo 32190) amending § 61.38 of the rules.

The petition for reconsideration was filed by Satellite Business Systems and is available for inspection at the Commission's Offices, Room 520 at 1919 M Street, NW., Washington, D.C. 20554, (202) 632-6917.

Federal Communications Commission.

William J. Tricarico,

Secretary.

December 9, 1982.

[FR Doc. 82-34172 Filed 12-16-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Community Federal Savings and Loan Association (Hialeah, Fla.); Reappointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)(A) (1976)), the Federal Home Loan Bank Board reappointed William F. Andrews as conservator of Community Federal Savings and Loan Association, Hialeah, Florida, effective as of December 14, 1982.

Dated: December 14, 1982.

By the Federal Home Loan Bank Board,

Gregory B. Smith,

Acting Secretary.

[FR Doc. 82-34328 Filed 12-16-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 82-57]

Clark International Marketing S.A., a Division of Clark Equipment Co. v. Venezuelan Line; Filing of Complaint and Assignment

Notice is given that a complaint filed by Clark International Marketing S.A., a division of Clark Equipment Company against Venezuelan Line was served December 7, 1982. Complainant alleges that respondent has subjected it to an overcharge of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 82-34228 Filed 12-16-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-59]

General Electric Co. v. Moller Steamship Co., Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by General Electric Company against Moller Steamship Company, Inc. was served December 10, 1982. Complainant alleges that respondent has subjected it to excessive charges for ocean freight.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are

necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 82-34229 Filed 12-16-82; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION**Change in Office Names and Addresses**

In furtherance of GSA's continuing program to reduce office space and to consolidate related functions, on September 28, 1982, the Transportation and Public Utilities Service (TPUS) and the Office of Personal Property (OPP), Federal Property Resources Service (FPRS), were abolished. The TPUS functions of freight transportation, traffic management, travel services, fleet management, interagency motor pools and automotive contracting and the FPRS functions of personal property utilization and disposal, together with their respective staffs, were transferred to the new Office of Personal Property (OPP), General Services Administration.

These offices were moved to Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Va.

The old office names and the corresponding new OPP office names and room and telephone numbers are as follows:

Old office names	New OPP office names, room and telephone numbers
Office of Transportation and Travel Management and Office of Motor Equipment.	Office of Transportation (YT), Room 412, Telephone: (703) 557-1273.
Office of Automotive Management.	Automotive Commodity Center (YA), Room 420, Telephone: (703) 557-0473.
Office of Personal Property.....	Office of Property Management (YM), Room 1019, Telephone: (703) 557-1240.

Dated: December 3, 1982.

L. L. Mitchell,
Assistant Administrator for Personal Property.

[FR Doc. 82-34265 Filed 12-16-82; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****Advisory Committee; Meeting****AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 [5 U.S.C. App. I]), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. January 20 and 21, 9 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, January 20, 9:05 a.m. to 10:05 a.m., unless public participation does not occur or last that long; open committee discussion, 10:05 a.m. to 11:30 a.m.; closed committee deliberations, 11:30 a.m. to 4:30 p.m.; open committee discussion, January 21, 9 a.m. to 4 p.m.; closed committee deliberations, 4 p.m. to 4:45 p.m.; Jack Certzog, Office of Biologics, National Center for Drugs and Biologics (HFN-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing on issues pending before the committee.

Open committee discussion. The committee will discuss procedures for review of the Office of Biologics research program and will review a number of Category IIIA products which are to be reclassified in accordance with the final rule published in the Federal Register of October 5, 1982 (47 FR 44062).

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information relevant to pending license applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

**Ophthalmic Device Section of the
Ophthalmic; Ear, Nose, Throat; and
Dental Devices Panel**

Date, time, and place. January 27 and 28, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, January 27, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, January 28, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; open committee discussion, 3 p.m. to 5 p.m.; Dr. George C. Murray, National Center for Devices and Radiological Health (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

General function of committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The Committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the executive secretary before January 12, 1983, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On January 27, the Committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for intraocular lenses (IOL's) and specific PMA's for IOL's. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On January 28, the Committee may discuss PMA's or general issues relating to contact lenses or other ophthalmic products.

Closed committee deliberations. On January 27 and 28, the Committee will conduct reviews of PMA's for IOL applications. On January 28, the Committee may also discuss trade secret or confidential commercial information relevant to PMA's for contact lens products. These portions of the meeting will be closed to permit

discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as

amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: December 9, 1982.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

[FR Doc. 82-34093 Filed 12-16-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0366]

**Bausch & Lomb Optics Center;
Premarket Approval of SOFLENS®
(Polymacon) Bifocal Contact Lens
P.A.1™ Lens Series**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the SOFLENS® (polymacon) Bifocal Contact Lens P.A.1™ Lens Series sponsored by Bausch & Lomb Optics Center, Rochester, NY. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 17, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 26, 1982, Bausch & Lomb Optics Center, Rochester, NY, submitted to FDA a supplemental application for premarket approval of the SOFLENS® (polymacon) Bifocal Contact Lens P.A.1™ Lens Series for daily wear by not-aphakic hyperopic and myopic presbyopic persons with nondiseased eyes who require up to 2.00 diopters (D) of refractive add. The lens is available in the power range of -4.00 D to +2.00 D and provides a nominal 1.50 D of refractive add. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 16, 1982, FDA

approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the *Federal Register* of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications and supplemental applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of approved soft contact lenses states that the lenses are to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that

may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the *Federal Register* of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 17, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 9, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-34094 Filed 12-16-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0349]

Calgon Corp.; Filing of Food Additive Petition**AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of copolymers of diallyldimethylammonium chloride and acrylamide as a retention and/or drainage aid employed in the manufacture of paper and paperboard intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3677) has been filed by Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 176.170(a)(5) (21 CFR 176.170(a)(5)) be amended by broadening the weight ratio specification of the monomers in the substance "Diallyldimethylammonium chloride with acrylamide," listed therein, from a fixed 50-50 ratio to a range of ratios where the maximum weight percent of either diallyldimethylammonium chloride or acrylamide does not exceed 85 percent.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: December 12, 1982.

Sanford A. Miller,
Director, Bureau of Foods.[FR Doc. 82-34096 Filed 12-16-82; 8:45 am]
BILLING CODE 4160-01-M**Consumer Participation; Open Meeting****AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Dallas District Office, chaired by James E. Anderson, District Director.

DATE: Tuesday, January 11, 1983, 5:30 p.m. to 7:30 p.m.

ADDRESS: Downstairs Meeting Room, Ramada Inn, Texarkana, TX.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace, Consumer Affairs Officer, Food and Drug Administration, Dallas District, 1200 Main Tower, Rm. 1545, Dallas, TX 75202; 214-767-5433.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: December 10, 1982.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.[FR Doc. 82-34095 Filed 12-16-82; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 82F-0347]

Ciba-Geigy Corp.; Filing of Food Additive Petition**AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the expanded use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as an antioxidant and stabilizer for polypropylene, high-density polyethylene and other olefin polymers intended for food-contact applications without use temperature limitations.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3668) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the expanded use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as an antioxidant and stabilizer for polypropylene, high-density polyethylene complying with

§ 177.1520(c) items 2.1, 2.2 and 2.3 and olefin copolymers complying with § 177.1520(c) items 3.1 and 3.2, intended for food-contact applications without use temperature limitations.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 6, 1982.

Sanford A. Miller,
Director, Bureau of Foods.[FR Doc. 82-34256 Filed 12-16-82; 8:45 am]
BILLING CODE 4160-01-M

[FDA-225-82-8400]

Memorandum of Understanding With the Veterans Administration**AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Veterans Administration. The purpose of the understanding is to facilitate communication and encourage effective cooperation in the area of clinical research with investigational new drugs and medical devices, including biologicals.

EFFECTIVE DATE: August 20, 1982.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1580.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) stating that all agreements and memoranda of understanding between FDA and others shall be published in the *Federal Register*, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between Veterans Administration and the U.S. Department of Health and Human Services, Food and Drug Administration

I. Purpose

The purpose of this Memorandum of Understanding is to identify specific responsibilities of the Veterans

Administration (VA) and the Food and Drug Administration (FDA) to facilitate communication and encourage effective cooperation between the agencies in the area of clinical research with investigational new drugs and medical devices, including biologicals.

II. Background

In 1977, in response to a congressional directive, FDA developed a program to assure the quality of bioresearch data intended to support the approval of new drugs, biologicals, and medical devices. Regulations were subsequently proposed, clarifying existing regulations and elucidating the responsibilities of investigators in conducting clinical trials.

The main objectives of the clinical investigator program are to assure protection of investigational subjects; to assess through audit procedures, whether data submitted to FDA in specific studies are valid; and to determine the state of compliance of clinical investigators with the regulations. The FDA has applied the same standards of performance to Federal institutions and Government employees as has been applied to private industry.

III. FDA's Responsibilities

A. FDA will provide the VA project officer with a list of VA clinical investigators FDA intends to inspect during a given fiscal quarter.

B. FDA will notify the Medical Center Director at the VA Medical Center employing the investigator to be inspected to make suitable arrangements for the inspection.

C. Following the inspection, FDA will make available to the VA project officer and the VA Medical Center Director a copy of any correspondence to the clinical investigator and, upon request, will make available to the VA project officer specific inspection reports and bureau reviews pertaining to VA clinical investigators.

D. FDA will advise the VA, through the project officer, of any violative findings resulting from investigations into the performance of clinical investigators employed by the VA, and will provide copies of any correspondence associated with a regulatory action.

IV. VA's Responsibilities

A. VA Central Office Research and Development will notify VA medical center directors of scheduled visits by FDA investigators in order to facilitate audits of studies of investigational new drugs and medical devices being conducted at VA facilities by VA investigators.

B. The VA will facilitate access to administrative records and patient medical records associated with any investigational new drug and device research subject to FDA regulations and will also provide copies of those records upon the official request of an FDA investigator. Access to these records is authorized under the Privacy Act of 1974 (5 U.S.C. 552a(b) (3) and (7)) and the VA confidentiality statutes (38 U.S.C. 3301(b)(3)), 38 U.S.C. 3305(b)(1)(C) and 38 U.S.C. 4132(b)(2)(B)). FDA personnel accessing drug, alcohol and sickle cell anemia treatment records subject to the confidentiality

provisions of 38 U.S.C. 4132 are not permitted to redisclose patient identities, directly or indirectly, in any manner in any report or audit documents which are created in accordance with this MOU. Violations of 38 U.S.C. 4132 may result in the imposition of fines and other adverse consequences.

C. VA will review internal guidelines for clinical research with investigational new drugs and medical devices to assure that VA guidelines are consistent with FDA regulations for the conduct and reporting of investigational studies.

V. Duration of Agreement

This agreement shall become effective on the date of the last signature and shall continue in effect unless modified by mutual written consent or terminated by either party upon a ninety (90) day advance written notice to the other.

VI. Project Officers

Veterans Administration, Earl X. Freed, PH.D., Deputy Assistant Chief Medical Director for Research and Development (15A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 389-2616

Food and Drug Administration, Ernest L. Brisson, Director, Bioresearch Monitoring Staff, HFC-30, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857, 443-2390

VII. Authority

The authority for this agreement is contained in 21 U.S.C. 355 (i), (j); 357 (d), (e); 360(j); 372; 374; 379; 823(f); and 42 U.S.C. 241, 242a, 262-264; and 38 U.S.C. 4101(c)(1) implemented by 38 CFR 2.6(a)(1).

Approved and Accepted for the Veterans Administration.

By: s/ Donald L. Custis, M.D.,

Title: Chief Medical Director.

Dated: August 20, 1982.

Approved and Accepted for the Food and Drug Administration.

By: s/ Joseph P. Hile,

Title: Associate Commissioner for Regulatory Affairs.

Dated: July 28, 1982.

Effective date. This Memorandum of Understanding became effective August 20, 1982.

Dated: November 23, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-34254 Filed 12-16-82; 6:45 am]

BILLING CODE 4160-01-82

Health Resources and Services Administration

Consultation With State and Local Officials Prior to Awarding Community Health Center Grants

AGENCY: PHS, Health Resources and Services Administration.

ACTION: Notice.

SUMMARY: Section 1923 of the Public Health Service (PHS) Act (42 U.S.C. 300y-2) requires that if a State does not apply for a Primary Care Block Grant under section 1924 of the PHS Act (42 U.S.C. 300y-3), or does not qualify for such a grant, the Secretary of Health and Human Services will use those funds not allotted to States participating in the block grant to make grants under section 330 of the PHS Act (42 U.S.C. 254c) to individual community health centers (CHCs). Section 1923 also requires that the Secretary consult with the chief executive officer of the State and with appropriate local officials before making such grants for community health centers in a State. This notice describes the manner in which the Health Resources and Services Administration (HRSA) will fulfill the requirement for consultation. In addition, it solicits comments from local officials regarding CHCs in their areas.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Bohrer, Acting Director, Division of Primary Care, Bureau of Health Care Delivery and Assistance, HRSA, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301-443-2260.

DATE: To be considered as part of the review process, comments must be received 45 days prior to the month of the CHC's anniversary date (the expiration date of the CHC's previous award). However, in the case of CHCs whose grants expire within 60 days of the date of the publication of this notice, the 45 day limit will not apply. Comments regarding such CHCs should be submitted as soon as possible in order to be considered in the grant review process.

ADDRESS: Comments should be mailed to the appropriate Department of Health and Human Services Regional Office (see Appendix A).

SUPPLEMENTARY INFORMATION: In order to fulfill the statutory requirement discussed in the "Summary" section above, the Secretary, before making a grant to a CHC in a State, will consult by letter with the governor. In addition, through the publication of this notice, the Secretary invites written comments from local officials such as, but not limited to, mayors, county commissioners, State legislators, local health department officials, and health systems agencies regarding CHCs in their local areas. Comments, whether supportive or critical, should focus on the operation of and the need for the

particular CHC within the local area. Local officials who wish to discuss their written comments with HRSA staff should address such requests for consultation to the appropriate Department of Health and Human Services Regional Office (see Appendix A).

A list of all currently funded CHCs which will be considered for funding in fiscal year 1983 is attached as Appendix B to this notice. Under the CHC program, grants are generally made for a one-year period. The names, anniversary dates, and locations of the centers are listed in Appendix B. It should be noted that the name of a CHC grantee in the Department's records is not always the name by which its health delivery component is known in the community. Inclusion of CHCs' names on the attached list does not imply availability of funds for grants to such centers or imply that any of the centers will actually be funded after a review of their application and performance.

Before applying for fiscal year 1983 CHC funding, individual CHCs should solicit letters concerning comments on the center's operation from State and local officials. Any such letters should be included in their applications for continued funding.

Dated: December 10, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

Appendix A

PUBLIC HEALTH SERVICE

Regional Health Administrators

Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203; (617) 223-6827

Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007; (212) 264-2560

Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101; (215) 596-6637

Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323; (404) 221-2316

Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606; (312) 353-1385

Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202; (214) 655-3870

Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64108; (816) 374-3291

Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets, Denver, Colorado 80294; (303) 837-4461

Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102; (415) 556-5810

Regional Health Administrator, PHS—Region X, 2901 Third Avenue, Seattle, Washington 98121; (206) 442-0430

The health centers are listed below by an Identification Number, Anniversary Date, Health Center Name and City.

Identification No.	Anniversary date	Health center name and city
Region I		
CONNECTICUT		
011270	0383	Bridgeport Comm HC, Bridgeport.
010810	0883	SW End Comm HC, Inc, Bridgeport.
011830	0183	Charter Oak-Rice Hts Hlth Ctr, Hartford.
011260	0383	Comm Hlth Svcs, Inc, Hartford.
010060	0183	Fair Haven Comm Hlth Clinic, New Haven.
010070	0683	Hill Health Corp, New Haven.
MAINE		
010360	0783	Rural Comm HC in Maine, Med Care Dev, Augusta.
012030	0283	Bethel Area HC, Bethel.
010400	0783	Rural Hlth Associates, Farmington.
011230	0683	Sacopee Valley Hlth Ctr, Kezar Falls.
010420	0783	Northern ME Rural Health Program, Presque Isle.
010440	0483	Penobscot Bay Med Assoc, Rockland.
010460	0783	Kennebec Valley Comm HC Proj Con, Waterville.
MASSACHUSETTS		
011890	0183	Joseph Smith Comm Hlth Ctr, Allston-Brighton.
010160	0783	North End Community Health Committee, Boston.
011950	0183	Peninsula Hlth Committee, Inc, Boston.
010710	0783	South Cove Comm HC, Boston.
010170	0783	Neponset HC, Dorchester.
011560	0183	Hull Med Ctr, Hull.
011460	0783	Lowell Gen Hosp, Lowell.
011430	0983	Lynn Comm HC, Lynn.
012010	0183	Mattapan Comm Hlth Ctr, Mattapan.
011930	0883	Greater New Bedford Com Health Center, New Bedford.
011190	0983	Hlth Associates of Provincetown, Provincetown.
011640	0183	Manet Comm Hlth (in Quincy), Quincy.
010290	0883	Roxbury Comp Comm HC, Roxbury.
011240	0183	Mohawk Valley Med Ctr in Shelburne Falls, Shelburne.
010800	0883	Fam Hlth & Social Svc Ctr, Worcester.
010330	0183	Worthington Hlth Assn, Worthington.
NEW HAMPSHIRE		
011580	1083	New Market Regional HC, New Market.
RHODE ISLAND		
012240	0183	Blackstone Valley Comm-Action, Central Falls.
012230	0783	Wood River Hlth Svcs, Inc, Hope Valley.
010580	0783	Providence Ambulatory Health Care, Providence.
VERMONT		
010610	0783	Champlain Islands Hlth Center, Grand Isle.
011250	0583	Mountain Valley Hlth Ctr, Londonderry.
010640	0783	Northern Counties Hlth Centers, Inc, St Johnsbury.
Region II		
NEW JERSEY		
021810	0183	Atlantic Human Resources, Atlantic City.
020020	0783	Memorial Park Fam, Belcoville.
021270	0183	Bridgeton Hosp Assn, Bridgeton.
021280	0783	Carecare Hlth Corp, Camden.
021930	0183	East Orange Gen Hosp, East Orange.
020930	1083	Sa-Lantic Hlth Svcs, Hammonton.
020050	1182	North Jersey Comm Union, Newark.
021290	0183	Calvary Baptist Comm Hlth Ctr, Paterson.
021300	1083	CHC of Paterson Hlth Advocates (Ecumenical Assoc for Urban Cons), Paterson.
021230	0783	Plainfield Hlth Svcs Corp, Plainfield.
020070	0483	Henry J. Austin Hlth Ctr, Trenton.

Identification No.	Anniversary date	Health center name and city
020080	0783	Cumberland Reg Hlth Plan, Vineland.
NEW YORK		
020110	0183	Whitney M. Young Hlth Ctr, Albany.
020180	0183	Oak Orchard Comm HC, Brockport.
021880	1282	Bronx Lebanon Hosp Network, Bronx.
021950	0883	Soundview Hlth Ctr, Bronx.
020240	0183	Martin Luther King, Jr HC, Bronx.
020450	0783	Hunts Point Multi-Service HC, Bronx.
021380	0183	Massive East Bronx Comprehensive, Bronx.
021780	0183	Montefiore Network, Bronx.
021610	0683	Morris Heights Hlth Ctr, Bronx.
021840	0483	Segundo Ruiz-Belvis Family Care Center, Bronx.
021980	0183	Hire Comprehensive Family Care Facility, Brooklyn.
022050	1282	L B Johnson Hlth Complex, Inc, Brooklyn.
021210	0783	ODA Primary Care Hlth Ctr, Brooklyn.
021070	0783	Church Charity Foundation of Long Is., Inc (Ralph Ave. Med. Care Ctr), Brooklyn.
020280	0183	South Brooklyn HC, Brooklyn.
021970	0783	St Mary's Hosp, Brooklyn.
020270	0183	Sunset Park Neighborhood HC, Brooklyn.
021310	1083	North Jefferson Hlth, Clayton.
021240	0483	Cortland Co Rural Hlth Sys, Cortland.
020380	0783	The Deposit Foundation, Inc, Deposit.
020370	0783	Schuyler Hosp Primary Care Program, Montour Falls.
020640	0883	Neighborhood Hlth Assoc of Mt. Vernon, Mt. Vernon.
021390	0783	Chinatown Hlth Clinic, New York.
021730	0483	Council's Ambulatory Care Center, New York.
020390	0783	East Harlem Council for Human Svcs, New York.
021850	0183	Harlem Hosp Primary Care Network, New York.
020490	1182	William F. Ryan Hlth Center, New York.
020470	0183	NENA Comprehensive Hlth Svcs, New York.
021080	1083	Settlement Health and Medical Services, New York.
020370	0183	Northern Oswego Hlth Svcs, Pulaski.
020560	0483	Rochester Hlth Network, Rochester.
022070	0483	Anthony L. Jordan Hlth Ctr, Rochester.
021830	0183	Carver Community Hlth Ctr, Schenectady.
020160	0183	Syracuse Community Hlth Ctr, Syracuse.
021790	0183	Hudson Headwaters Hlth Network, Warrensburg.
020620	0183	Fam HC of Orange & Ulster Counties, Inc, Warwick.
PUERTO RICO		
021870	0683	Barceloneta RH Prog, Barceloneta.
020910	1083	Camuy RHI, Camuy.
020660	1083	Hosp Gen de Castaner, Castaner.
021250	0983	Ciales Hlth Ctr, Ciales.
021400	0183	Florida RHI, Florida.
021260	0983	Hatillo RHI, Hatillo.
020670	0783	Loiza Comp Hlth Svcs, Loiza.
020650	0183	Central Areawide Hlth Svcs, Naranjito.
020890	0183	Patillas RHI, Patillas.
020680	0783	Ponce Diagnostic & Treatment Ctr, Playa Ponce.
021030	1083	Rincon RH Project, Rincon.
020700	0783	Dr. J. S. Belual Comm HC, Rlo Piedras.
Region III		
DELAWARE		
031260	0783	Southbridge Med Advisory Council, Wilmington.
WASHINGTON, D.C.		
031080	0483	East of the River Health Assoc, Washington.
030050	0683	National Health Plan Shaw CHC, Washington.
MARYLAND		
033180	0783	Baltimore City Hlth Dept, Municipal Hlth Svcs, Baltimore.
032810	0783	Chesapeake Hlth Plan, Baltimore.
030110	0183	Cohstant Care CHC, Baltimore.

Identification No.	Anniversary date	Health center name and city	Identification No.	Anniversary date	Health center name and city	Identification No.	Anniversary date	Health center name and city
030120	0783	North Central Baltimore Health, Baltimore.	042180	0783	Southern Rural Hlth Care Consortium, Red Bay.	MISSISSIPPI		
030130	0783	Parkwest Health Serv, Baltimore.	045710	0683	Jackson Co Primary Hlth Care Bd, Scottsboro.	042430	0183	Coastal Fam Hlth Ctr, Inc, Biloxi.
031270	0683	South Baltimore Fam Hlth Baltimore.	042850	0783	Rural Hlth Med Prog, Inc, Selma.	042440	0383	Rankin Urban Hlth Innovations Proj, Inc, Brandon.
030150	0783	West Baltimore Fam Hlth, Baltimore.	048270	0683	The Sipsy Community Hlth Care Ctr, Inc, Sipsy.	043060	0583	Northeast Mississippi Hlth Care, Inc, Byhalia.
032750	0783	Caroline Hlth Serv, Goldsboro.	045720	1282	Snead Med Board, Snead.	040760	0183	Madison Yazoo Leake Fam Hlth Ctr, Canton.
032520	0783	Potomac Bend Med Ctr, Hancock.	040040	0883	Hlth Development Corp, Tuscaloosa.	046150	1282	Aaron E Henry Comm Hlth Services Ctr, Inc, Clarksdale.
032860	0683	North Dorchester Hlth Serv, Hurlock.	042450	1183	West Tuscaloosa Comm Hlth Ctr, Tuscaloosa.	046870	0183	The Urgent Rural Needs, Inc, Fulton.
031200	0683	Pocomoke City Area Hlth, Pocomoke City.	040160	0183	Central Ala Comprehensive Hlth, Inc, Tuskegee.	045770	0683	Southeast MS RHI, Inc, Hattiesburg.
030170	0683	Somerset Co for Progressive Ent, Princess Anne.	044690	1282	Waterloo Med Board, Waterloo.	040750	0883	Central MS Civic Improvement Assn, Jackson.
032590	0183	Queen Anne Co Hlth Care, Queenstown.	FLORIDA			045760	0383	Amite County Medical Services, Inc, Liberty.
PENNSYLVANIA			041660	0283	West Orange Farmworker Hlth Assn, Inc, Apopka.	044470	0983	George Area Medical Extenders, Inc, Lucedale.
030210	0683	Big Valley Area Med Ctr, Belleville.	040200	0783	Fam Med Practice, Inc, Cross City.	042070	0783	Matty Hersee Hosp, Meridian.
031220	0683	North Penn Comp Hlth Svcs, Blossburg.	045600	0383	East Pasco Hlth Ctr, Inc, Dade City.	040780	0983	Mound Bayou Comm Hosp Delta Hlth Ctr, Inc, Mound Bayou.
030220	0383	Broadtop Area Med Ctr, Broad Top City.	040210	0783	Fia Rural Hlth Svcs, Frostproof.	040770	0783	South Central Ms Rural Hlth Assn, Inc, New Hebron.
030230	0983	Comm Med Ctr of Wash Co, Burgetts-town.	041680	0183	Lee Co Migrant Hlth Council, Inc, Ft Myers.	048420	0883	Claborne Co Community Health Ctr, Port Gibson.
032430	0983	Glendale Area Med Assoc, Coalport.	041700	0183	Collier Hlth Svcs, Inc, Immokalee.	046860	0983	Three Rivers Area Hlth, Smithville.
030250	0783	The Valleys Comm Med Ctr, Dry Run.	048620	1083	University Hospital, Jacksonville.	046990	0283	Noxubee Co Hlth Care, Inc, Shugualak.
032300	1282	Cameron Co Hlth Care Ctr, Emporium.	041710	0383	Henry Glades Co Hlth Svc, Inc, Labelle.	047330	0783	Mitel, Inc, S. W. Hlth Agency for Rural People, Tylerstown.
031700	0483	Centerville Clinics, Fredericktown.	040290	0583	Lafayette Co Public Hlth Trust, Mayo.	040840	0783	Kuhn Mem State Hosp, Vicksburg.
030290	0483	Hamilton Hlth Ctr, Harrisburg.	040310	0783	Boninquen Hlth Care Center, Inc, Miami.	NORTH CAROLINA		
032440	0983	Hyndman Area Med Ctr, Hyndman.	040320	0783	Community Hlth South Dade, Inc, Miami.	041940	0783	Tri-Co Hlth Svcs, Inc, Aurora.
033620	0683	SE Lancaster Prim Care, Lancaster.	040330	0983	Economic Opportunity Fam Health Center, Inc, Miami.	042300	0783	Appalachian District Health Dept, Boone.
032230	0683	F.O.R. Sto-Rox NHC, McKees Rocks.	044130	0483	Miami Beach Community Health, Inc, Miami Beach.	042280	0283	Bunn Comm Hlth Ctr, Inc, Bunn.
032400	0783	Miners Clinic, Inc, New Kensington.	040340	0783	Rural Health Care, Inc, Palatka.	040890	1282	Orange Chatham Comp Hlth, Carboro.
031510	0783	North Cambria Hlth Svcs, Patton.	044310	0883	Manatee Co Rural Hlth Services, Parrish.	047770	0583	Metrolina Comp Hlth Ctr, Charlotte.
033900	0683	Northeast Butler, Petrolia.	041670	0183	Sunshine Hlth Ctr, Inc, Pompano Beach.	045430	0383	West Caldwell Health Council, Inc, Collettsville.
030360	1083	Comp Hlth Serv Plan, Philadelphia.	041750	0483	Hillsborough Co. Ruskin Migrant and Hlth Ctr, Inc, Ruskin.	040910	0783	Durham Co Hosp Corp (Lincoln CHC), Durham.
032220	0783	Covenant House Health, Philadelphia.	041720	0283	Central Fla Migrant and Community Hlth Ctr, Inc, Sanford.	045800	0183	Goshen Med Ctr, Inc, Faison.
033780	0883	Health Care Corp (2501), Philadelphia.	040250	0183	Project Health, Inc, Sumterville.	046610	0183	Twin Co Rural Hlth, Hollister.
033200	0183	SE Phila Hlth Ctr, Philadelphia.	042710	0583	Glchrist Co Med Bd, Trenton.	046940	0183	South Cumberland Hlth Care Ctr, Inc, Hope Mills.
032900	0683	Spring Garden Hlth Assoc, Philadelphia.	040370	0483	Fia Community Hlth Center, Inc, West Palm Beach.	042240	0583	Hot Springs Hlth Prog, Hot Springs.
030440	1182	Primary Care Hlth Svcs, Pittsburgh.	045290	0883	Mid Co Med Ctr, Inc, West Palm Beach.	045200	1282	Boone Trail Med Ctr, Mamers.
033480	0683	Shannock Valley Area Med Facility, Kitting.	041740	0183	Bd of Co Commissioners Palm Beach Co, West Palm Beach.	042270	0183	White Oak Hlth Svcs, Inc, Maysville.
032560	0983	Scranton Primary Hlth Ctr, Scranton.	040380	0583	Wewahitchka Med Ctr, Inc, Wewahitchka.	045810	0583	Morven Area Med Ctr, Inc, Morven.
030480	0983	Barnes Kasson Hosp, Susquehanna.	GEORGIA			041000	0783	Wake Hlth Svcs, Inc, Raleigh.
030560	0983	Rural Hlth Corp of NE Pa, Wilkes Barre.	044150	0683	Albany Area Prim Care Ctr, Inc, Albany.	042290	1083	Plain View Hlth Svcs, Inc, Rose Hill.
031160	0483	York Health Care, York.	040400	0183	Atlanta Southside Comm Health Ctr, Inc, Atlanta.	046800	0683	Person Fam Med Ctr, Roxboro.
VIRGINIA			040410	0783	West End Med Ctr, Atlanta.	041060	0383	Vance Warren Comprehensive Hlth Plan, Inc, Soul City.
030720	0683	Eastern Shore Rural Hlth Systems, Accomac.	040390	0483	Oconee Ogeethrope, Crawford.	041040	0183	The Community Med Fdn, Tarboro.
031970	0383	Brunswick Health, Alberta.	047430	0983	George E Wilson Mem, Cumming.	046910	0383	Stedman Wade Hlth Svcs, Wade.
032380	1282	King Wm Comm Hlth Ctr, Aylett.	046900	0183	Cakhurst Community Hlth, Decatur.	044920	0883	Caswell Fam Med Ctr, Yanceyville.
032650	0983	Bland Co. Med Ctr, Bastian.	046660	0983	Village Hlth Clinic, Inc, Helen.	042350	0783	Andrews Med Bd, Inc, Andrews.
033220	0383	Dawn Progressive Assoc, Dawn.	043870	0983	Lincoln Co PC Center, Lincolnton.	042310	0283	Calhoun Falls Area Med Svcs, Calhoun Falls.
031230	0683	Clinch River Hlth Svcs, Dunganon.	048340	0483	Eastside Health Center, Morgantown.	041110	0583	Franklin C. Fetter, Charleston.
033230	0983	Laurel Fork Hlth Commission, Laurel Fork.	045260	0683	Palmetto Hlth Council, Inc, Palmetto.	045220	0983	Rural Hlth Svcs, Inc, Clearwater.
032840	0538	Ivor CHC, Ivor.	042120	0983	Plains Primary Hlth Care Center, Plains.	048490	1083	New Lower Richland Hlth Ctr, Eastover.
030700	0883	Central Virginia CHC, New Canton.	043340	0983	Stewart-Webster Rural Hlth Board, Inc, Richland.	043770	0583	Allendale County, Fairfax.
032240	0583	Peninsula Institute for Comm. Health, Newport News.	040490	0883	Westside-Urban Health Centers, Inc, Savannah.	046830	0783	Greeleyville Med Ctr, Inc, Greeleyville.
031810	0983	Saltville Med Center, Saltville.	048160	0483	Hancock Co Primary Care Center, Inc, Sparta.	047000	0183	Britton's Neck Hlth Care Corp., Gresham.
030740	0683	St Charles Council, St Charles.	042110	0983	Suches Community Med Center, Inc, Suches.	047080	0183	Little River Med Ctr, Inc, Little River.
Region IV			044790	0283	Primary Hlth Care Ctr of Dade, Trenton.	045050	0783	Sandhills Med Fdn, Inc, McBee.
ALABAMA			042390	0583	Tri-Co Hlth Sys, Inc, Warrenton.	048430	0583	St. James-Santee, McClellansville.
042210	0483	Billingsley Med Clinic, Autaugaville.	046980	0883	Pike Co Primary Hlth Care Center, Inc, Zebulon.	046930	0983	Olanta Med Ctr, Inc, Olanta.
044700	0383	Bayou La Batre Area Hlth Dev. Mostellar Medical Clinic, Bayou La Batre.	KENTUCKY			041180	0783	Orangeburg Co Consumer Hlth Council (RHI), Orangeburg.
042190	0983	Sardis City Med Clinic, Boaz.	040550	0483	Buckhorn Lake Area Hlth Council, Inc, Buckhorn.	041990	0683	Beauford Jasper Comp Hlth, Ridgeland.
047630	0683	Cleveland Med Center, Cleveland.	044090	0983	Covington Fam Hlth Ctr, Covington.	045490	0283	Upper Broadriver, Sharon.
044280	0183	The Med Clinic Board of the Town of Eclectic Eclectic.	046840	0683	Louisville-Jefferson Co Bd of Health, Louisville.	045230	0683	Society Hill Fam Hlth Clinic, Inc, Society Hill.
045480	0183	Elkmont Rural Hlth Ctr, Inc, Elkmont.	040650	0783	Park Duvalle Hlth Ctr, Louisville.	042780	0683	Megals Rural Hlth Assoc, Inc, Trenton.
040070	0783	West Alabama Neighborhood Hlth Ctr, Ertaw.	044830	0683	Health Help, Inc, McKee.	TENNESSEE		
042830	0283	Concuh Med Ctr, Inc, Evergreen.	040670	0283	Big Sandy Hlth Care, Inc, Prestonsburg.	041230	0683	Benton Med Comm Corp, Benton.
044120	0483	Etowah Quality of Life Council, Inc, Gadsden.	040600	0583	Mountain Comp Hlth Corp, Whitesburg.	041260	0783	Chattanooga Hamilton (Alton Park CHC), Chattanooga.
040090	0383	Lowndes Co. Hlth Svcs, Haynesville.	MISSISSIPPI			041260	0783	Laurel Fork-Clear Fork Hlth Ctrs, Inc, Clairfield.
040120	0783	Town of Hurtsboro, Town Council, Hurtsboro.	040680	0283	Mountain Peoples Hlth Council, Inc, Huntsville.	041780	0483	Upper Cumberland, Cookville.
048290	0983	Central North Alabama Hlth Svcs Inc, Madison.	FLORIDA			041440	0783	Mountain Peoples Hlth Council, Inc, Huntsville.
045470	0883	West El Hlth Svcs, Inc, Millbrook.	041660	0283	West Orange Farmworker Hlth Assn, Inc, Apopka.	046880	0183	Knox Co Hlth Dept, Knoxville.
047080	0683	Mobile Co Hlth Dept (Fam Oriented Pr Hlth Care), Mobile.	040200	0783	Fam Med Practice, Inc, Cross City.	MISSISSIPPI		
044710	0883	Franklin Mem Primary Hlth Ctr, Mobile.	045600	0383	East Pasco Hlth Ctr, Inc, Dade City.	042070	0783	Matty Hersee Hosp, Meridian.
040130	0283	Montgomery Hlth Services, Inc, Montgomery.	040210	0783	Fia Rural Hlth Svcs, Frostproof.	040780	0983	Mound Bayou Comm Hosp Delta Hlth Ctr, Inc, Mound Bayou.

Identification No.	Anniversary date	Health center name and city	Identification No.	Anniversary date	Health center name and city	Identification No.	Anniversary date	Health center name and city
042400	0963	Cumberland Fam Hlth Care, Inc, Lebanon.	050920	0783	Fam Developmt Programs, Nelsonville.	060750	0163	Hidalgo Co. H.C. Corp, Pharr.
041370	0583	Perry Co Med Ctr, Inc, Linden.	052900	0283	Community Action Committee of Pike Co, Pikeson.	060950	0683	South Plains Hlth Provider Organization, Inc, Plainview.
047830	0483	Union Grainger Primary Care, Inc, Maynardville.	051780	0783	Neighborhood Assoc of Toledo, Toledo.	062390	1083	Atascosu RHI Hlth Clinic, Inc, Pleasanton.
041410	0783	Memphis Hlth Ctr, Inc, Memphis.	WISCONSIN			063190	0483	City of Port Arthur Health Dept., Port Arthur.
04179H	1183	Carter Co., TN Dept of Public Hlth, Nashville.	050640	0783	Marshfield Medical Fdn, Marshfield.	060970	0183	Comm Action Council of South Texas, Rio Grande City.
041420	0283	Matthew Walker Hlth Ctr., Nashville.	052240	1282	Inner City Development Project, Milwaukee.	062360	0983	Barrio Comp Fam Hlth Care Ctr, Inc, San Antonio.
041790	0383	Southeastern Region, TN Dept of Public Health, Nashville.	052670	0783	Indian Hlth Ctr of Milwaukee, Milwaukee.	063250	0583	Centro Del Barrio Comm Health Ctr, Inc, San Antonio.
044110	0283	United Neighborhood Hlth Services, Nashville.	052810	0183	North Woods Med Coop, Minong.	061030	0583	Ella Austin Comm Ctr, San Antonio.
046610	0483	Rural Comm Hlth Svcs, Inc, Parrottsville.	051580	1083	Community Memorial Hosp, Oconto Falls.	REGION VII IOWA		
045130	0363	Shiloh Pickwick Hlth Services, Inc, Pickwick Dam.	Region VI ARKANSAS			070020	0983	Rathbun Hlth Svcs, Inc, Centerville.
041470	0783	Poor People's Health Council, Rossville.	060020	1063	N. Arkansas Human Svcs System, Inc, Batesville.	071170	0983	Community Hlth Care, Inc, Davenport.
041490	0963	Hancock Co Hlth Dept, Sneedville.	062140	1063	CABUN Rural Health Services, Inc, Hampton.	070070	1083	Hlth Initiative Corp of Tama, Toledo.
044680	0783	Douglas Comm Hlth & Recreation Council, Stanton.	062090	0983	Mid-Delta Comm Svcs, Inc, Helena.	071410	0983	Peoples Comm Hlth Clinic, Waterloo.
045420	0383	Citizens of Lake County for Hlth Care, Inc, Tiptonville.	060060	1282	Lee Co Cooperative Clinic, Marianna.	KANSAS		
041290	0983	Morgan Co Hlth Council Warturg.	060080	0683	Rural Hlth, Inc, Paragold.	070110	1282	Chase Co Hlth Svcs, Inc, Cottonwood Falls.
Region V ILLINOIS			060110	0183	Jefferson Comp Care Center, Inc, Pine Bluff.	071390	1182	Washington Co Horizons Health Service, Washington.
052180	0963	Rural Hlth, Inc, Anna.	062730	0283	Portland Hlth Care Center, Inc, Portland.	MISSOURI		
050030	0783	Comm Hlth Svcs, Cairo.	060140	0783	E. Ark. Family Hlth Center, Inc, West Memphis.	071650	1282	Caldwell Co Med Aid Corp, Hamilton.
050040	0483	Shawnee Hlth Svcs & Development Corp, Carbondale.	LOUISIANA			070270	0583	Swope Pkwy Comp and Mental HC, Kansas City.
051870	1282	Francis Nelson Hlth Ctr, Champaign.	060180	0183	Teche Action Board, Franklin.	070290	0983	Wayne Miner NHC, Kansas City.
051050	0183	Claretian Med Ctr, Chicago.	063230	1282	De Soto Comp Health Service, Inc, Logansport.	070300	1282	NE Missouri Hlth & Welfare Cncl, Kirksville.
050060	0273	Komed Health Ctr, Chicago.	063220	0683	Southern LA CH Care Corporation, Mamou.	071370	0983	New Madrid Co Group Practice, New Madrid.
050090	0183	Mile Square Hlth Ctr, Chicago.	060190	1063	Natchitoches Area Action Assoc., Natchitoches.	071690	0283	Citizens for Imp of Med Svcs, Pilot Knob.
052130	0483	Christopher Gr. Area Rural Plan. Corp., Christopher.	062480	0183	Catahoula Parish Hosp District #2, Sicily Island.	071670	1282	Central Ozark Med Ctr, Richland.
052170	0183	Pembroke Area Family HC, Hopkins Park.	NEW MEXICO			070370	0583	St Louis Comp NHC, St Louis.
052140	1063	Hendersen Co Rural Hc, Oquawka.	060240	0783	Albuquerque Fam Hlth Centers, Inc, Albuquerque.	071700	0283	Family Care Ctr at Carondelet, St Louis.
052760	1282	Crusaders Central Clinic Assoc., Rockford.	060440	1063	Presbyterian Med Svcs/Checker Board, Farmington.	071190	0383	Neighborhood Hlth Ctr, Inc, St Louis.
INDIANA			060330	0783	Centro Campesino de Salud, Espanola.	070380	0683	Yeatman-Union Sarah Joint Comm Hlth Care, St Louis.
053200	1282	Methodist Hosp of Indiana Inc (Barrington), Indianapolis.	062060	0783	Centro Rural de Salud, Inc, Loving.	070430	0683	Big Springs Med Assoc, Van Buren.
051020	0183	Peoples Hlth Ctr, Indianapolis.	061290	0683	La Casa de Bueno Salud, Inc, Portales.	NEBRASKA		
051110	1063	Rural Health Activities of SE Ind., Lawrenceburg.	063450	0783	Questa Health Center, Questa.	070470	0783	Sandhills Develop Corp, Mullen.
053180	1063	Gary CHC, Gary.	063010	0783	La Clinica de Familia, Inc, San Miguel.	071710	0283	Southeast Nebraska Rural Hlth Ctr, Weeping Water.
MICHIGAN			OKLAHOMA			Region VIII COLORADO		
052200	0183	Downriver Comm Services, Algonac.	060530	0783	Community Health Centers, Inc, Spencer.	080020	0783	San Luis Valley HMO, Alamosa.
050210	0783	Regional Hlth Care, Baldwin.	060540	1182	MOTON Health Systems, Inc, Tulsa.	080030	0783	Valley Wide Hlth Svcs, Alamosa.
052190	0483	Brown City Area HC, Brown City.	TEXAS			081460	0183	Comm Hlth of Colorado Springs, Colorado Springs.
052820	1282	Monway Citzns Hlth Council, Carleton.	062650	0283	Panhandle Rural Hlth Corp, Amarillo.	080060	0183	Denver Hlth & Hospitals, Denver.
051990	1063	Bruce Douglas (Detroit HD), Detroit.	061510	0683	City of Brownsville, Brownsville.	080100	0783	Dolores Co Hlth Assoc, Dove Creek.
05199B	1063	Herman Kiefer Hlth Ctr, Detroit.	061300	0283	San Jacinto Co Hlth Services, Inc, Coldspring.	080130	0783	Plan de Salud del Valle, Inc, Fort Lupton.
052680	1282	Sisters of Mercy Hlth Corp, Detroit.	060850	0683	South Texas F/P and Health Corp, Corpus Christi.	081260	0583	Gilpin Co Chapter Red Cross, Golden.
050250	0483	Dowagiac Hlth Systems, Dowagiac.	062120	0483	South Texas Rural Health Service, Inc, Cotulla.	080140	0483	Sunrise CHC, Greeley.
051680	0483	East Jordan Fam HC, East Jordan.	060670	0583	Vida y Salud—Health System, Inc, Crystal City.	081070	0983	Elbert EMS Council, Inc, Kiowa.
050290	1063	Northern Mich Hlth Svcs, Houghton Lake.	060680	0783	Los Barrios, Unidos Community Clinic, Dallas.	081650	0183	La Clinica Campesina, Lariatette.
051980	1063	Alcona Medical Clinic, Lincoln.	060710	1282	De Leon Hosp Board (Cross Timbers), De Leon.	081740	1083	Wright's Mesa Med Svc, Norwood.
052510	0483	Pullman Hlth Clinic, Pullman.	060740	0783	Maverick Co Out Patient Clinic, Eagle Pass.	NORTH DAKOTA		
052250	0483	Sterling Area Hlth Proj, Sterling.	061230	1282	Centro de Salud Familiar La Fe, Inc, El Paso.	083080	1282	Dunn Comm Hlth Ctr, Killdeer.
052910	0483	Citizens Hlth Council, Temperance.	060810	0683	Gonzales County Hlth Agency, Inc, Gonzales.	082110	0183	Mercer-Oliver Hlth Svcs, Center.
MINNESOTA			060820	1083	Comm Hlth Svc Agency, Inc, of Hunt Co, Greenville.	SOUTH DAKOTA		
052710	0683	Cook Area Hlth Svcs, Inc, Cook.	060830	0783	South Limestone Comm Health Ctr, Inc, Groesbeck.	083090	0183	Eagle Butte Comm Clinic, Eagle Butte.
052700	0683	Cook Co Comm Clinic, Inc, Grand Marais.	060840	0583	Catholic Charities, Inc, Harlingen.	080500	0983	NW South Dakota Rural Health, Faith.
051770	0483	Indian Hlth Board of Minnesota, Inc, Minneapolis.	062380	0483	Fourth Ward Clinic, Houston.	081030	0783	Miner-Hamlin Hlth Care, Howard.
052730	1282	Model Cities Hlth Ctr, St. Paul.	060670	0583	Galveston Co Coordinated, La Marque.	083100	0183	Isabel Community RHI Clinic, Isabel.
051340	0183	Border Area Hlth Svcs, Inc, Warroad.	060900	0483	Laredo-Webb Co Hlth Dept, Laredo.	081610	1282	Indian Hlth Mgmt, Inc, Rosebud.
OHIO			060910	0683	South Plains Comm Action Assoc., Leveland.	081800	0683	McCook/Hansen Health Care, Inc, Salem.
050560	0963	Barnesville Hlth Svcs Asc, Barnesville.	Region IX MISSOURI			081450	0183	City of Sioux Falls, Sioux Falls.
052270	0483	Ross Co Ambul Clinic, Chillicothe.	060820	1083	Comm Hlth Svc Agency, Inc, of Hunt Co, Greenville.	080890	1063	Clay-Union Hlth Foundation, Vermillion.
050570	1282	Cincinnati Hlth Dept, Cincinnati.	060830	0783	South Limestone Comm Health Ctr, Inc, Groesbeck.	SOUTH DAKOTA		
050990	0783	Southern Ohio Hlth Svcs, Cincinnati.	060840	0583	Catholic Charities, Inc, Harlingen.	083090	0183	Eagle Butte Comm Clinic, Eagle Butte.
050580	0183	Hough Norwood Fam Health Care Ctr, Cleveland.	062380	0483	Fourth Ward Clinic, Houston.	080500	0983	NW South Dakota Rural Health, Faith.
050980	0483	Clinicas Migrants Regional, Fremont.	060670	0583	Galveston Co Coordinated, La Marque.	081030	0783	Miner-Hamlin Hlth Care, Howard.
050640	0483	Family Hlth Service of Darke Co, Greenville.	060900	0483	Laredo-Webb Co Hlth Dept, Laredo.	083100	0183	Isabel Community RHI Clinic, Isabel.
051860	1083	Ironton-Lawrence Co Community Action, Ironton.	060910	0683	South Plains Comm Action Assoc., Leveland.	081610	1282	Indian Hlth Mgmt, Inc, Rosebud.

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081690	0883	Tri-County Hlth Care, Inc, Wessington Springs.
UTAH		
083240	0788	Wayne Co Med Clinic Board, Bicknell.
083050	0583	Weber County CHC, Ogden.
080550	1282	Univ of Utah—Dept of Fam/Comm Med, Salt Lake City.
Region IX ARIZONA		
090030	0183	West Pinal Family Health Center, Casa Grande.
093030	1282	Clinica Adelante, El Mirage.
090080	0783	Marana Comm Clinic, Marana.
090090	1282	Santa Cruz City Hlth Dept, Nogales.
091300	0783	Lake Powell Fam Hlth Services Corp, Page.
093070	0783	Memorial Fam Hlth Ctr, Phoenix.
090130	0883	Valley Hlth Ctr, Inc, Somerton.
090160	0183	El Rio Santa Cruz, Tucson.
093380	0183	Shiprock Community Health Center, Shiprock, NM (Four Corners Area).
CALIFORNIA		
090860	0683	Mojave Desert Hlth Services, Inc, Barstow.
090250	0183	Clinicas de Salud del Pueblo, Brawley.
091600	0483	Buttonwillow Hlth Ctr, Inc, Buttonwillow.
093150	1282	El Progreso de Desierto #1, Coachella.
091590	0483	Ten Comm. Hlth Ctr, Earlimart.
090290	0483	Drew Med-Dental Ctr, Inc, East Palo Alto.
090420	0383	Kaiser Fdn Hlth Plan, Inc, Fontana.
093080	0783	County of Orange Community HC, Garden Grove.
090380	0183	Rural Hlth Proj, Inc, King City.
090390	0483	Clinica Sierra Vista, Lamont.
090490	0183	Community Hlth Fdn of East L.A., Los Angeles.
093110	1282	La Clinica Familia del Barrio, Los Angeles.
093160	0483	The East Los Angeles Comm Hlth Union (TELACU), Los Angeles.
090440	1182	Watts Hlth Foundation, Los Angeles.
093210	1282	El Concilio de Madera, Madera.
090470	0483	Merced Family Hlth Ctr, Merced.
090710	0783	Nipomo Hlth Clinic, Nipomo.
091230	0583	La Clinica de la Raza, Inc, Oakland.
090540	0483	West Oakland Hlth Ctr, Oakland.
091000	0183	Northeast Valley Hlth Corp, Pacoima.
090560	0183	United Health Ctr of San Joaquin Parlier.
091240	0783	West Contra Costa Community Hlth Care, Richmond.
093120	0183	Logan Heights Family Health Center, San Diego.
090670	0283	North East Med Services, San Francisco.
090530	0483	San Francisco Med Ctr, San Francisco.
090720	0183	North County Hlth Proj, San Marcos.
091080	0183	Centro de Salud de la Comunidad, San Ysidro.
090780	0783	Agricultural Workers Health Center, Stockton.
093190	0183	Tiburcio Vasquez Hlth Center, Union City.
HAWAII		
090990	0583	Waianae Coast Comp Health Center, Waianae.
NEVADA		
093130	0183	Operation Life Community Medical Center, Las Vegas.
091570	0483	Central Nevada Rural Health Centers, Reno.
Region X ALASKA		
100020	0783	Anchorage Neighborhood Health Center, Anchorage.
IDAHO		
101610	1083	Glenns Ferry Rural Hlth Clinic, Glenns Ferry.
100160	0483	Comm Hlth Clinics, Inc, Nampa.

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101630	1083	Payette Health Care, Payette.
100180	0783	Health West, Inc, Pocatello.
OREGON		
101120	0783	Multnomah Co Dept of Human Services, Portland.
100760	0783	Cry of Love, Inc, Salem.
100340	0483	North West Human Resources, Woodburn.
WASHINGTON		
101670	1083	Lake Quinalt Med Clinic, Amanda Park.
100360	1083	New Health Programs, Chewelah.
101660	1083	North Beach Hlth Care Clinics, Copalis Beach.
100390	0483	Clallam Co Hosp Dist, Forks.
100460	0783	Columbia Basin Hlth Assoc, Othello.
101520	1083	La Clinica So. Columbia Rural Health, Pasco.
100630	1083	Central Seattle Comm Hlth, Seattle.
101020	0483	Sea Mar CHC, Seattle.
101490	0483	Tacoma-Pierce Co Hlth Dept, Tacoma.
101030	0483	Yakima Valley Farm Workers Clinic, Toppenish.
100570	0483	North Central Washington Migrant Health, Wenatchee.
100400	0783	Grand Coulee Area Hlth, Wilbur.

[FR Doc. 82-34253 Filed 12-16-82; 8:45 am]

BILLING CODE 4160-16-M

Office of the Secretary**Agency Forms Submitted to the Office of Management and Budget for Clearance**

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the list was last published on December 10.

Public Health Service**Food and Drug Administration**

Subject: License Applications for the Manufacture of Allergens and Plasma Derivative Products and General Establishment Application (0910-0124)—Extension

Respondents: Drug manufacturers of biological products
OMB Desk Officer: Fay S. Iudicello
Health Resources and Services Administration
Subject: Primary Care Block Grant Reporting Requirements (0915-0023)—Reinstatement

Respondents: State governments
OMB Desk Officer: Richard Eisinger
Alcohol, Drug Abuse, and Mental Health Administration
Subject: Final Report Guidelines (0930-0005)—Reinstatement
Respondents: Researchers

OMB Desk Officer: Richard Eisinger
National Institutes of Health
Subject: Small Business Innovative Research: Announcement and Application Instructions—NEW
Respondents: Small business with expertise to contribute to agency research and development mission
OMB Desk Officer: Richard Eisinger
Social Security Administration
Subject: Letter to Employer Requesting Earnings Information for Supplemental Security Income (SSA-L4201 (1-83))—Revision
Respondents: Businesses or other institutions
OMB Desk Officer: Milo Sunderhauf
Health Care Financing Administration
Subject: Independent Rural Health Clinic and Urban Clinic (Demonstration) Cost Report (HCFA-222)—Revision
Respondents: Rural health clinics participating in Medicare and urban clinics participating in the Urban Clinics Demonstration
Subject: Paperwork Associated with the Certification of Outpatient Physical Therapy and Speech Pathology Providers for Medicare and Medicaid (HCFA-1596 and R-10)—Extension/No Changes
Respondents: Outpatient physical therapy and speech pathology providers participating in Medicare and Medicaid
Subject: Identification of Extension Units of Outpatient Physical Therapy and Speech Pathology Providers (HCFA-381)—New
Respondents: Outpatient physical therapy and speech pathology providers participating in Medicare and Medicaid
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201; or
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: December 10, 1982.

Dale W. Sopper,
Assistant Secretary for Management and Budget.

[FR Doc. 82-34214 Filed 12-16-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-2711]

Nevada; Classification Vacated

1. Pursuant to the authority delegated by Bureau Order 701 and amendment thereto, the Bureau of Land Management multiple use classification N-2711 was published in the *Federal Register* on December 11, 1969 (FR Doc 69-14690). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 1,340 acres of public land in Esmeralda County, Nevada, for multiple use management. The land was segregated from appropriation under all the public land laws except recreation and public purposes. The area was further segregated from the mining laws, but not the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated.

Mount Diablo Meridian, Nevada

T. 35 N., R. 37 E.,

Sec. 16, E½, S½NW¼, SW¼.

T. 36 N., R. 38 E.,

Sec. 15, all except S½SE¼SE¼;

Sec. 16, N½NE¼NE¼;

Sec. 32, NE¼SW¼, E½NW¼SW¼, S½SW¼.

The area described above comprises approximately 1,340 acres.

3. At 9:00 a.m. on January 17, 1983, all the land except 217.5 acres (within the E½ of sec. 16, T. 35 N., R. 37 E.,) patented to the City of Winnemucca under an airport conveyance is hereby open to the operation of all the public land laws, subject to valid existing rights.

4. At 9:00 a.m. on January 17, 1983, the land will also be open to the operation of the mining laws. The land remains open to the mineral leasing and material sale laws.

5. All valid applications received prior to or at 9:00 a.m. on January 17, 1983, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Dated: December 8, 1982.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-34259 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-84-M

[N-1559]

Nevada; Classification Vacated

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-1559 was published in the *Federal Register* on November 13, 1968 (FR Doc 68-13599.) Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 3,112,986 acres of public land in Pershing and Humboldt Counties, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws and from sales under Section 2455 of the Revised Statutes. One area (Thomas Canyon) was further segregated from all forms of appropriation including the mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated in its entirety and described as follows:

Mount Diablo Meridian, Nevada

Commencing at northeastern corner of Pershing County common to Pershing County, Humboldt County and Lander County;

Thence northerly along the county boundary between Humboldt County and Lander County to the Humboldt River;

Thence generally along the Humboldt River westerly to about Mill City;

Thence northwesterly to a point on the Western Pacific Railroad about 4 miles west of Jungo;

Thence westerly along the railroad to a point on the Western Pacific Railroad about 10 miles west of Sulphur;

Thence northerly within R. 26 and 27 E. to a point on Pershing County line between T. 35 and 36 N.;

Thence westerly along the township line between T. 35 and 36 N. to a point on the township line between R. 23 and 24 E.;

Thence southerly along the township line between R. 23 and 24 E. to a point of intersection with the south boundary of Pershing County within T. 24 N.;

Thence easterly along the south boundary of Pershing County within T. 24 N. to its intersection with the west boundary of Lander County in T. 24 N., R. 39 E.;

Thence northeasterly along the County line between Pershing and Lander County to a point of beginning.

The area described above aggregates approximately 3,112,986 acres of public land.

3. At 9:00 a.m. on January 17, 1983, the land is hereby open to the operation of the agricultural land laws, subject to valid existing rights.

4. At 9:00 a.m. on January 17, 1983, the following described land known as Thomas Canyon will also be open to the operation of the mining laws:

Mount Diablo Meridian, Nevada

T. 35 N., R. 38 E.,

Sec. 16, NE¼, NE¼SE¼, SW¼SW¼, S½NW¼, NW¼NW¼.

This area comprises approximately 360 acres.

5. All the land described in the classification remains open to the mineral leasing and material sale laws.

6. All valid applications received prior to or at 9:00 a.m. on January 17, 1983, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-34260 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-84-M

[N-1279]

Nevada; Classification Vacated

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-1279 was published in the *Federal Register* on May 25, 1968 (FR Doc 68-6235) and amended by a correction published June 28, 1968 (FR Doc 68-7620). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 409,351 acres of public land in Esmeralda County, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws and from sale under Section 2455 of the Revised Statutes. The Lahontan Cutthroat Natural Area was further segregated from all forms of appropriation including the mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated with the exception of the following described area known as the Lahontan Cutthroat Area:

Mount Diablo Meridian, Nevada

T. 41 N., R. 26 E.,

Sec. 1, Lots 1, 2, 3, SE¼NW¼, SW¼SW¼, NE¼SW¼, SW¼SE¼;

Sec. 2, Lots 1, 4, S½NE¼, SW¼NW¼, W¼SW¼, SE¼;
 Sec. 3, All;
 Sec. 4, Lots 1, 7, 16, SE¼NE¼;
 Sec. 11, All;
 Sec. 12, Lots 1-4, inclusive, N¼NE¼, SE¼NE¼, SE¼NW¼, W¼NW¼, SW¼, SW¼SE¼.
 T. 42 N., R. 26 E.,
 Sec. 14, Lots 5 thru 8, inclusive, SW¼;
 Sec. 15, Lots 7 thru 12, inclusive;
 Sec. 22, N¼, NE¼SW¼, NW¼SE¼;
 Sec. 23, All;
 Sec. 24, All;
 Sec. 25, All;
 Sec. 26, All;
 Sec. 27, W¼NE¼, SE¼NW¼, W¼NW¼, S¼;
 Sec. 28, E¼;
 Sec. 33, E¼E¼;
 Sec. 34, All;
 Sec. 35, Lots 5 thru 20, inclusive;
 Sec. 36, All.
 T. 41 N., R. 27 E., unsurveyed,
 Sec. 6, N¼, SW¼.
 T. 42 N., R. 27 E., unsurveyed,
 Sec. 19, W¼;
 Sec. 29, W¼SW¼;
 Sec. 30, W¼, SE¼;
 Sec. 31, All;
 Sec. 32, W¼W¼.

The area described above comprises approximately 12,316 acres. This area has high fisheries habitat value and will remain classified for a period of 5 years from the date of this publication at which time the classification will again be reviewed.

3. At 9:00 a.m. on January 17, 1983, all the land except that described in paragraph 2 above is hereby open to the operation of the agricultural land laws, subject to valid existing rights.

4. All the land described in the classification remains open to the mineral leasing and material sale laws.

5. All valid applications received prior to or at 9:00 a.m. on January 17, 1983, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,
 State Director, Nevada.

December 8, 1982.

[FR Doc. 82-34261 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area

Advisory Commission will be held on Tuesday, January 11, 1982 at 7:30 p.m. in the Nygreen 1 Hall at California Lutheran College, 60 West Olsen Road, Thousand Oaks, California.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
 Hon. Marvin Braude
 Ms. Sarah Dixon
 Ms. Margot Feuer
 Dr. Henry David Gray
 Mr. Edward Heidig
 Mr. Frank Hendler
 Ms. Mary C. Hernandez
 Mr. Peter Ireland
 Mr. Bob Lovellette
 Ms. Susan Barr Nelson
 Mr. Carey Peck
 Mr. Donald Wallace

The major agenda items include the following:

Superintendent's Status Report of the SMMNRA
 Election of the Vice Chairperson
 Advisory Commission Recommendation on the Development Concept Plan for Cross Mountain Parks
 Resource Management Committee Report and Public Hearing on Draft Natural Resource Management Plan
 Other Committee Reports.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by February 28, 1983 at the above address.

Dated: December 10, 1982.

John J. Reynolds,

Acting Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 82-34272 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-70-M

[M-56230, M-56231 and M-56230-A]

Montana; Classification of Public Lands for State Indemnity Selection

December 7, 1982.

1. The Montana Commissioner, Department of State Lands, has filed a petition for classification and application to acquire the public lands described in paragraph 5 below, under the provisions of Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852 (1976)), in lieu of certain school lands granted to the State under the Act of February 22, 1889, 25 Stat. 676, that were encumbered by other rights or reservations before the State's title could attach. The application has been assigned serial numbers M-56230, M-56231, and M-56230-A.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified on February 11, 1983. Classification is pursuant to Title 43, Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Montana may be obtained from the District Manager, Miles City District Office, Bureau of Land Management P.O. Box 940, Miles City, Montana 59301, (406) 232-4331, or the District Manager, Butte District Office, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59701, (406) 494-5059.

4. For a period of 60 days from the date of publication of this notice in the *Federal Register*, all persons who wish to submit comments or objections on the above classification may present their views in writing to the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107. Any adverse comments will be evaluated by the State Director who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the State Director, this classification action will become the final determination of the Department of the Interior. As provided by Title 43, Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the State Director if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Broadwater, Cascade, Meagher, Powell, Missoula, Granite, Dawson, and Big Horn counties, Montana, and are described as follows: (footnotes correspond to numbered

authorized users or applicants listed in Paragraph 6).

Application M-56230, Principal Meridian

- T. 4 N., R. 2 E.,
 Sec. 2, Lot 5; and ^{1, 2, 67}
 Sec. 12, Lots 2, 3, and 6, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.^{2, 68}
- T. 15 N., R. 3 E.,
 Sec. 24, Lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.^{3, 69}
- T. 16 N., R. 3 E.,
 Sec. 12, Lots 1 thru 16, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.^{4, 70}
- T. 12 N., R. 4 E.,
 Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$.^{5, 71}
- T. 13 N., R. 4 E.,
 Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$; and ^{6, 72}
 Sec. 34, Lots 2, 3, and 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.^{6, 72}
- T. 15 N., R. 4 E.,
 Sec. 6, Lot 5;^{7, 73}
 Sec. 7, Lots 5 and 11;^{8, 74}
 Sec. 18, Lots 5 and 17; and ^{73, 75}
 Sec. 19, Lots, 1, 5, 6, 7, and 8.^{3, 73, 74}
- T. 16 N., R. 4 E.,
 Sec. 30, Lots 9 thru 12; and ^{9, 75}
 Sec. 31, Lots 12 and 13.^{9, 75}
- T. 10 N., R. 9 W.,
 Sec. 4, Lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
 and S $\frac{1}{2}$ S $\frac{1}{2}$.^{10, 11, 12, 76}
 Sec. 9, Lot 2;^{12, 13, 76}
 Sec. 14, Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
 and ^{10, 13, 14, 77}
 Sec. 20, Lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$.^{15, 78}
- T. 11 N., R. 11 W.,
 Sec. 14, Lots 1 thru 4, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$.
^{16, 17, 18, 79}
- T. 13 N., R. 14 W.,
 Sec. 24, Lots 5, 6, and 12, and NE $\frac{1}{4}$; and ^{18, 80}
 Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.^{20, 21, 80}
- T. 11 N., R. 15 W.,
 Sec. 2, Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, and
 NE $\frac{1}{4}$ SE $\frac{1}{4}$.^{22, 81}
 Sec. 4, Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$; and ^{22, 23, 81}
 Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$.^{22, 23, 81}
- T. 11 N., R. 16 W.,
 Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 and ^{24, 25, 26, 27, 81}
 Sec. 4, SW $\frac{1}{4}$.^{26, 27, 28, 81}
- T. 12 N., R. 16 W.,
 Sec. 6, Lots 3 thru 6, 11 thru 14, E $\frac{1}{2}$ SW $\frac{1}{4}$ and
 S $\frac{1}{2}$ SE $\frac{1}{4}$.^{28, 81}
 Sec. 26, N $\frac{1}{2}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.^{30, 31, 32, 33, 81}
 Sec. 27, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.³⁴
 Sec. 28, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 and S $\frac{1}{2}$ SE $\frac{1}{4}$; and ^{30, 36, 81}
 Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
^{35, 36, 37, 81}
- T. 12 N., R. 17 W.,
 Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.³⁸
 Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$.³⁹
 Sec. 8, Lot 9 and N $\frac{1}{2}$ SE $\frac{1}{4}$.³⁹
 Sec. 10, N $\frac{1}{2}$; and ^{39, 40}
 Sec. 12, Lots 1 thru 4, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$.^{39, 81}
- Total acreage for M-56230 is approximately
 7,407.92 acres.

Application M-56231, Principal Meridian

- T. 15 N., R. 55 E.,
 Sec. 12, W $\frac{1}{2}$; and ^{41, 42, 84}
 Sec. 24, All. ^{41, 42, 82, 83}
- T. 15 N., R. 56 E.,
 Sec. 8, All; ^{41, 84}
 Sec. 20, N $\frac{1}{2}$ and SE $\frac{1}{4}$.^{41, 43}
 Sec. 28, All; and ^{41, 83}
 Sec. 30, Lots 1 and 2, E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.
^{44, 82, 83}
- T. 8 S., R. 40 E.,

- Sec. 24, NW $\frac{1}{4}$ SW $\frac{1}{4}$.^{45, 86}
 Sec. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$.⁴⁶
 Sec. 27, N $\frac{1}{2}$ SE $\frac{1}{4}$; and ^{46, 47, 48, 85}
 Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$.^{46, 48, 49, 50, 85}
- T. 9 S., R. 40 E.,
 Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$; and ^{46, 48, 49,}
^{50, 51, 88}
 Sec. 4, NE $\frac{1}{2}$ SE $\frac{1}{4}$.^{51, 88}
- Total acreage for M-56231 is approximately
 3,593.35 acres.

Application M56230-A, Principal Meridian, Montana

- T. 12 N., R. 6 W.,
 Sec. 18, Lots 1, 2, and 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, and
 E $\frac{1}{2}$ NW $\frac{1}{4}$.^{52, 97, 98}
- T. 16 N., R. 6 W.,
 Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$.
^{53, 54, 55, 89}
- T. 12 N., R. 7 W.,
 Sec. 1, Lots 1, 2, 7, 8, 9, 10, 13, and 14.
 W $\frac{1}{2}$ SE $\frac{1}{4}$.^{56, 58, 87, 88}
 Sec. 12, Lots 1, 3, and 4, W $\frac{1}{2}$ E $\frac{1}{2}$.^{56, 87}
 Sec. 13, All. ^{56, 87, 87, 88}
- T. 12 N., R. 11 W.,
 Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
^{59, 90}
- Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
^{59, 60, 64, 90}
- Sec. 22, Lot 1; ^{62, 63, 91}
 Sec. 26, N $\frac{1}{2}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.^{61, 65, 90}
- T. 13 N., R. 14 W.,
 Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$.⁶⁶

Total acreage for M-56230-A is
 approximately 3,090.23 acres.
 The total acres for all the above-described
 lands is approximately 14,091.50 acres.

6. The following listed corporations
 and individuals are holders of or
 applicants for leases, permits,
 withdrawals, and/or rights-of-way on
 the public lands described in paragraph
 5 above:

Oil and Gas Leases

- ² Home Petroleum Corp., 2600 N. Loop W.,
 Houston, TX 77092, M-35981.
³ Texas Oil & Gas Corp., 2700 Fidelity
 Union Tower, Dallas, TX 75201, M-40110.
⁴ Petrolic Corporation, P.O. Box 2248,
 Roswell, NM 88201, M-52535.
⁵ Skyline Oil Company, 2000 University
 Club Bldg., Salt Lake City, UT 84111, M-
 37580.
⁶ Cherry Creek Oil Co., P.O. Box 20522,
 Billings, MT 59104, M-37591.
⁷ James M. Chudnow, 1516 W. Bryn Mawr,
 Chicago, IL 60660, M-51320.
⁸ James M. Chudnow, 1516 W. Bryn Mawr,
 Chicago, IL 60660, M-51899.
⁹ Tom Wheatley, Jr., 444-17th St. No. 618,
 Denver, CO 80202, M-51263.
¹⁰ Sanchez-O'Brien Oil & Gas Corp., P.O.
 Box 2986, Laredo, TX 76041, M-45448.
¹¹ Thomas H. Connelly, 810 Midland
 Savings Bldg., Denver, CO 80202, M-45387.
¹² James M. Chudnow, 1516 W. Bryn Mawr,
 Chicago, IL 60660, and Laurent A. Giesbert,
 Cidex 47-12, 27870, Bosc-Rober-En-Roumois,
 France, M-54301.
¹³ TXO Production Corp., Fidelity Union
 Tower, Dallas, TX 75201, M-39809.
¹⁴ TXO Production Corp., M-39812.
¹⁵ Thomas H. Connelly, M-45394.
¹⁶ Virginia S. Rutter, P.O. Box 3186,
 Midland, TX 79702, M-45574.

- ¹⁷ J. L. Davis, et al, 300 Blanks Bldg.,
 Midland, TX 79701, M-46653.
²⁰ Virginia S. Rutter, M-46986.
²¹ Credo Petroleum Corp., 1905 Sherman
 Street, Suite 700, Denver, CO 80203, M-55918.
²² Leon Jeffcoat, et al, 301 S. Main, Suite C,
 Midland, TX 79701, M-47191.
²⁷ William E. Jeffers, Box 65, Artesia, NM
 88210, M-55670.
²⁹ Pioneer Production Corp., P.O. Box 2542,
 Amarillo, TX 79189, M-46501.
³⁰ William E. Jeffers, M-47958.
³⁴ Thomas H. Connelly, M-48496.
³⁵ Credo Petroleum Corp., M-55813.
³⁶ William E. Jeffers, M-54597.
³⁷ Thomas H. Connelly, 810 Midland
 Savings Bldg., Denver, CO 80202 and Robert
 W. David, P.O. Box 1497, Cheyenne, WY
 82001, M-53680.
³⁸ J. L. David, et al, M-46719.
³⁹ Virginia S. Rutter, M-48102.
⁴² Southland Royalty Co., 410-17th Street,
 Suite 1000, Denver, CO 80202, M-42638.
⁴³ Harry Ptasynski, P.O. Box 43, Casper,
 WY 82601, M-31632.
⁴⁴ MTS Limited Partnership, P.O. Box 2009,
 Amarillo, TX 79189, M-27932.
⁴⁶ Raymond Chorney, 401 Lincoln Tower
 Bldg., 1860 Lincoln St., Denver, CO 80203;
 American Petrofina Co. of Texas, 1100 First
 City East Bldg., Houston, TX 77002; Terra
 Resources, Inc., 900 Security Life Bldg.,
 Denver, CO 80202; Brascan Resource, Inc.,
 Box 9540 Station R, Suite 1200 Bow Valley
 Square 1, 202 Sixth Avenue, S.W. Calgary,
 Alberta, Canada, T2P 2W6, M-29750.
⁵¹ Energy Resources Group, Inc., Suite 3200,
 First of Denver Plaza, 633-17th Street,
 Denver, CO 80202, M-29751.
⁵² Vignia S. Rutter, M-46676.
⁵³ Tom Hunt, 2500 First Nat'l Bank Bldg.,
 Dallas, TX 75202, M-33470.
⁵⁶ A.W. Rutter, Jr., P.O. Box 3186, Midland,
 TX 79702, M-45502.
⁵⁹ Sanchez-O'Brien Oil & Gas Corp., M-
 45766.
⁶⁰ TXO Production Corp., M-39817.
⁶¹ A.W. Rutter, Jr., M-45484.
⁶² Wm. E. Jeffers, M-49192.
⁶³ Thomas H. Connelly, M-51808.
⁶⁶ J.L. Davis, et al, M-46653.
- Rights-of-Way**
- ¹ State of Montana, State Water
 Conservation Board, Helena, MT 59601, BIL
 028446.
¹³ Bureau of Land Management, M-069792.
¹⁴ Blackfoot Telephone Coop., Inc., P.O. Box
 1474, Missoula, MT 59801, M-025617.
²³ Champion International Corp., P.O. Box
 8, Milltown, MT 59851, M-51849.
²⁴ Champion International Corp., M-51848.
²⁵ Bureau of Land Management, M-073051.
²⁶ Bonneville Power Administration, P.O.
 Box 3537, Portland, OR 97288, M-056345.
²⁸ The Montana Power Company, 40 E.
 Broadway, Butte, MT 59701, M-36416.
³¹ Missoula Electric Coop., Inc., P.O.
 Drawer 1486, Missoula, MT 59801, M-31877.
³² Blackfoot Telephone Coop., Inc., M-
 33711.
³³ Champion Timberlands, P.O. Box 434,
 Bonner, MT 59823, M-34986.
⁴⁰ Champion International Corp., M-51846.

⁴¹ State of Montana, Dept. of Fish, Wildlife, and Parks, Helena, MT 59601, M-33676.

⁴² State of Montana, State Water Conservation Board, Helena, MT 59601, BIL 037880.

⁴⁷ Tongue River Electric Coop, Ashland, MT 59003, M-055660.

⁴⁸ State of Montana, Dept. of Highways, Helena, MT 59601, M-42817.

⁴⁹ Pacific Power & Light Co., 920 S.W. Sixth Avenue, Portland, OR 97204, M-42519.

⁵⁰ Spring Creek Coal Co., 529 S.W. Third Avenue, Portland, OR 97204, M-42398.

⁵⁴ State of Montana, Highway Comm., Helena, MT 59601, GF-085854.

⁵⁵ The Montana Power Company, M-30226.

⁵⁷ Forest Service, Helena National Forest, Helena, MT 59626, M-037311.

⁵⁸ The Lincoln & Helena Telephone Co., P.O. Box 175, Lincoln, MT 59639, M-33884.

⁶⁴ Bureau of Land Management, M-056870.

⁶⁵ Bureau of Land Management, M-056871.

Grazing Lessees

⁶⁷ Maurice J. Ferrat, RR1, Box 61, Toston, MT 59643.

⁶⁸ William P. Carr, 6700 Forest Lane, Dallas, TX 75230.

⁶⁹ Carol Anderson & Sons, Milligan Route, Great Falls, MT 59401.

⁷⁰ Kenneth E. Staigmilller, Box 4433, Great Falls, MT 59401.

⁷¹ Walter L. Johnston, Route 1, White Sulphur Springs, MT 59645.

⁷² Geo. A & Janet Zieg, Jr., RR1, White Sulphur Springs, MT 59645.

⁷³ Everett Carlson, Milligan Route, Great Falls, MT 59401.

⁷⁴ Elizabeth Carlson, Milligan Route, Great Falls, MT 59401.

⁷⁵ Walter Gruel & Sons, Inc., Milligan Route, Great Falls, MT 59401.

⁷⁶ Benson Brothers, Box 326, Avon, MT 59713.

⁷⁷ Gimlet Creek Ranch, c/o Luella Tavener, 916 Missouri Avenue, Deer Lodge, MT 59722.

⁷⁸ Andrew Beck, Box 110, Deer Lodge, MT 59722.

⁷⁹ Dutton Hereford Ranch, Gold Creek MT 59733.

⁸⁰ Lindbergh Cattle Co., Star Route, Box 337, Greenough, MT 59836.

⁸¹ Bonita-Clinton-Potomac Cattle Assoc., Star Route 1, Box 945, Clinton, MT 59825.

⁸² J.I. Engle, Marsh Road, Glendive, MT 59330.

⁸³ Martin Nemitz, Marsh Road, Glendive, MT 59330.

⁸⁴ Jack Eaton, Hot Bar Land & Cattle Co., P.O. Box 123, Glendive, MT 59330.

⁸⁵ Niles Veal, Decker Coal Co., P.O. Box 3049, Sheridan, WY 82801.

⁸⁶ Montaylor Corp., c/o Walter J. Taylor, Busby, MT 59016.

⁸⁷ Herbert E. Eskildsen, Canyon Creek, MT 59633.

⁸⁸ Edward S. Grady, Canyon Creek, MT 59633.

⁸⁹ Steinbeck Cattle Co., c/o Marvin Steinbeck, Wolf Creek MT 59648.

⁹⁰ C. N. Mannix Ranch, c/o Bert Mannix, Helmsville, MT 59843.

⁹¹ Adele C. Coughlin, Helmsville, MT 59843.

Range Improvements and Cooperative Agreements

⁶⁹ Fence 7740 Carol Anderson & Sons.

⁷³ Fence 7748 Everett Carlson.

⁷⁴ Fence 7749 Elizebeth Carlson.

⁷⁶ Fence 7205 Benson Brothers.

⁸⁷ Fence Herbert E. Eskildsen.

⁸⁸ Fence Edward S. Grady.

⁹⁰ Fence C. N. Mannix Ranch.

⁹¹ Fence Adele C. Coughlin.

7. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land or may be reserved to the United States. Where mineral rights will transfer to the State, existing oil and gas leases will remain in effect under the terms and conditions of the leases. This classification constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in whole or in part upon transfer of the land to the State of Montana. The State Commissioner has agreed to give BLM's grazing permittees a preference right for grazing privileges on lands transferred to the State. The State leases will contain the same terms and conditions included in the present leases to the fullest extent allowed by State laws. However, the State and the lessees may agree to enter into other tenure arrangements.

For a period of 45 days from the date of first publication indicated below, persons asserting a claim to or interest in the described lands, other than holders of leases, permits or rights-of-way listed above, may file such claim with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, together with evidence that a copy thereof has been served on the Board of Land Commissioners, State of Montana, Capitol Building, Helena, Montana 59601.

Bill D. Noble,

Acting State Director.

[FR Doc. 82-34196 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3164, Block 135, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 9, 1982.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-34258 Filed 12-16-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

December 14, 1982.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of

information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

- (1) Farmers Union Cooperative Transport, Inc.
- (2) Route 2, Box 300 Stetsonville, WI 54480
- (3) Rt. 2, Box 300, Stetsonville, Wisconsin 54480
- (4) Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-34240 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Hannaford Bros. Co., 54 Hannaford St., South Portland, Maine 04106.

2. Wholly owned subsidiary which will participate in the operations and State of incorporation: Hannaford Trucking Company (Maine).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-34239 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified

statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or

the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3 (202) 275-5223.

Volume OP3-MC-F-45

Decided: December 10, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-F 15020, filed December 2, 1982. RICHARD L. LOFTUS, (LOFTUS) (7925 Nevada Avenue, Hammond, IN)—continuance in control—RAINBOW TRANSPORT, INC. (RAINBOW) (7925 Nevada Avenue, Hammond, IN). Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL. Loftus seeks authority to continue in control of Rainbow upon the institution by RAINBOW of operations in interstate or foreign commerce, as a motor common carrier. Rainbow has filed an application in No. MC-164965 seeking authority to transport, over irregular routes, general commodities (with exceptions), between points in the U.S. (except AK and HI). Loftus presently holds no permanent authority from the Commission, however, Loftus also controls through stock ownership, Sawyer Eastern Inc., a motor common carrier pursuant to Certificate issued in MC-149582 and subs thereunder.

Note.—Rainbow has filed a directly related application in its initial common carrier permanent application. This application, docketed No. MC-164965 is published in this same Federal Register issue.

For the following, please direct status inquiries to Team 2 at 202-275-7030.

Volume No. OP2-316

Decided: December 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-F-15015, filed November 26, 1982. U.S. TRUCK LINES, INC., OF DELAWARE, (applicant), 785 Union Commerce Bldg., Cleveland, OH, 44115—continuance in control—MOTOR EXPRESS RENTALS CORPORATION, 6501 West 65th St., Chicago, IL 60638. Representative: Joel H. Steiner, 135 South LaSalle St., Chicago, IL 60603. Applicant seeks authority to continue in control of Motor Express Rentals Corporation, upon the institution by Motor Express Rentals Corporation of operations, in interstate or foreign commerce, as a motor common carrier. Applicant seeks to acquire control of said rights and property through the transaction. Applicant, a non carrier controls through stock ownership (1) Be Mac Transport Company, Inc., MC-

10872 and subs thereto, (2) Brown Express, Inc., MC-46054 and subs thereto, (3) Central Truck Lines, Inc., MC-36473 and subs thereto, (4) The Cleveland, Columbus & Cincinnati Highway, Inc., MC-3419 and MC-3420 and subs thereto, (5) Kanawha Cartage Company, MC-150148 and subs thereto, (6) Mercury Freight Lines, Inc., MC-113528 and subs thereto, (7) Motor Express Inc. of Indiana, MC-28813 and subs thereto, (8) Motor Express, Inc. (NJ), MC-1778 and subs thereto, (9) National Tank Truck Delivery, Inc., MC-116132 and subs thereto, and (10) Ohio Delivery, Inc., MC-142758 and subs thereto.

Note.—Motor Express Rentals Corporation has filed as a directly related application its initial common carrier application, docketed MC-164862, published in the same Federal Register issue.

[FR Doc. 82-34245 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is order:

The following application are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-MC-FC-55

MC-FC-81031. By decision of December 9, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 3 approved the transfer to ALASKA FREIGHT LINES, INC., Valdez, AK, of Certificate No. MC-118444 Sub 2, issued February 4, 1963, to BILL UNFER AND VIC UNFER, d.b.a. UNFER BROS., Valdez, AK, authorizing the transportation of *general commodities* (except classes A and B explosives, commodities in bulk in tank-type equipment, and household goods as defined by the Commission), between Haines and Valdez, AK, on the one hand, and, on the other, Fairbanks, AK, and points in AK on AK Hwy 2 between Fairbanks and the United States-Canada Boundary line: points on AK Hwy 4 between Valdez, AK, and the junction of AK Hwys 4 and 2 at or near Delta Junction, AK; and points within 50 miles of the described portions of said highways (including points on AK Hwy 1 between Tok Junction and Gulkana, AK). Representative: George Hillar, P.O. Box 1769, Valdez, AK 99686.

For the following, please direct status inquiries to Team 5 (202) 275-7289.

Volume No. OP5-FC-282

MC-FC-81019. By decision of December 6, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to THE MIAMI MARGARINE COMPANY, d.b.a. DELMAR TRANSPORTATION COMPANY, of Cincinnati, OH, of Certificate No. MC 162668, issued November 2, 1982, to OLD DUTCH DISTRIBUTORS, INC., of Blasdel, NY, authorizing the transportation of *food and related products*, between Cleveland and Cincinnati, OH, Philadelphia, PA, Buffalo, NY, Detroit, MI, and points in Chautauqua County, NY, Kent County, MI, Middlesex County, NJ, Greenville County, SC, and Summit County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, MO, AR, and LA. Representative: William J.

Hirsch, 64 Niagara St., Buffalo, NY 14202.

[FR Doc. 82-34244 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 065]

Republication of Grants of Operating Rights Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

Agatha L. Mergenovich,
Secretary.

MC 144757 (Sub-19) (republication) filed March 16, 1982; published in the Federal Register issue of May 10, 1982; and republished this issue. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 East St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Phone: (605) 343-4036. In a decision by the Entire Commission, decided October 20, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Readers, AL, Bell and McNary, AZ, Villa Park, CA, Alford and Gorday, GA, Bloomfield, Carbon, Evanston, Orange City, South Ottumwa, and West Grove, IA, Allendale, Beecher City, Berry, Breckenridge, Broughton, Converse Branch, Dales, Edinburg, Equality, Flanagan, Graymont, Havoline, Iola, Lakewood, Louis, Millersville, Oweneco, Rochester, Rook's Creek, Sharpsburg, and Tower Hill, IL, Ashley, Benton, Clarksville, Eddy, Foraker, Hamilton, Helmer, Hudson, Paoli, South Milford, Stoney Creek, Topeka, and Wolcottville, IN, Maxine, KS, Benton, Blackford, Camp Breckenridge, Clay, Corydon, Crayne, Crider, Deanfield, DeKoven, Dexter, Edgoten, Fluornoy, Fordsville, Fredonia, Grove Center, Hardin, Henshaw, Marion, Masonville, Mexico, Morganfield, Narrows, Oakridge, Philpot, PI Junction, Repton,

St. Vincent, Sturgis, Sullivan, Thompsonville, Uniontown, Waverly, Wheatcroft, and Whitesville, KY; Jacobs, Pauls, and Rands, ME; Alden, Arnheim, Barker Creek, Bellaire, Bendon, Central Lake, Chassel, Chief Lake, Douglas, Ellsworth, Hancock, Harpers, Interlochen, Keweenaw, Norwalk, Pilgrim, State Hospital, Rapid City, and Wealthy, MI; Empire, Mo, Abbeville, College Hill, Cumberland, Dancy, Gibbons, Hudsonville, Lamar, Lexington, Mantee, McClary, Michigan City, Owens Wells, Oxford, Reform, Sherwood, Spraggins, Taylor, Waterford, Water Valley, and Woodland, MS; Boyd, Fox, Joliet, Red Lodge, Roberts, and Sherryl Spur, MT; Caroleen and Henrietta, NC; Dunseith and Thorne, ND; Irvington, NE; Chatsworth, Winslow Junction, and Woodmansie, NJ; Mottville, Rosendale, and Skaneateles Falls, NY; Edon and Westminister, OH; Carlon, Cromby, Forest, Garrett Road, Grassland, Honey Brook, Light Street, Llanerch, Napier, Newton Square Branch, Parker Ford, Pennhurst, Spring City, Starrucca, Thompson, Transfer, and Uniondale, PA; Barton, Furman, Kline, Lena, Seigling, and Valentine, SC; Ashland City, Beech Bluff, Big Sandy, Bolivar, Chapmansboro, Congor, Deanburg, Doddsville, Fox Bluff, Hickory Point, Hickory Valley, Hornsby, Jordon, Kenwood, Lacy, Lexington, Luray, Malesus, Medon, Middleburg, Parksburg, Ralston, Riverside, Scottsboro, Serles, Silerton, Steel City, Terrell, and Toone, TN; DeWalt, Herbert, and Smada, TX, on the one hand, and, on the other, points in the United States.

Conditions: This certificate, to the extent it authorizes the transportation of classes A and B explosives, will expire 5 years from its date of issuance. Applicant must certify to the Commission, prior to initiating operations, that all rail service has actually terminated at the involved points. Applicant must send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Motor Section, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

Note.—The purpose of this republication is to delete all commodity and territorial exclusions.

MC 144757 (Sub-21) (republication), filed May 21, 1982; published in the *Federal Register* issue of September 30, 1982; and republished this issue. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 East St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734

Sheridan Lake Road, Rapid City, SD 57701, Phone: (605) 343-4036. In a decision, by the Commission, Division 1, decided November 10, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Arnaudville, Bryant, Bushville, Cecelia, Coteau Holmes, Gondron, Grand Point, Isle Labbe, Jefferson Island, Loreauville, New Iberia Connection, Oubre, Parks, Patin, Pecaniere, Summerall, Ulysse, Vida, and Walet, LA; Fairfax and Tarkio, MO; Burckley and Enumclaw, WA; Huntley and Ragan, NE; Bender, Breckenridge, Eddy, Erie, Grainville, Hunter, Lamont, Middleton, Peckham, Salt Fork Steen, and Simpson, OK; Weir City, KS; Bartlett, Cartago, Coso, Inyokern, Linnie, Little Lake, Olancho, and Sykes, CA; Corral and Hill City, ID; Cipsco Park, Carbon Lake, Leo Rock and Sand Ridge, IL; Viola, KS; Edgar, Johnson, Keuka, Newby and Oak Crest, FL; Pactolus, Stokes and Whitchard, NC; Ehrhardt, SC; Dundee, Lake Hamilton and Waverly, FL; Greenwood, Loyal and Spokeville, WI; Oakdale, MN; Pencilwood, CA; Berwick, OH; Mt. Hope, NJ; Buchanan, Carlton, Cochran and Utica, PA; Dimeling, Madera, and Lilly, PA; Lansdown, NJ; Aqueduct, NY; Alexandria, Atlasburg, and St. Clair, PA; Kentmere, DE; La Otto and Hometown, IN; Picatinny Arsenal, and Hudson, NJ; Whitehall, OH; Levans Mill, and Hepburnville, PA; Randolph, MA; Hughesville and Warren Glen, NJ; Gadsden, IN; Newton Highlands, MA; Toms River, NJ; East View, Elmsford, and Woodbine, NY; Cadiz, Grants, McVittys and Patterson, OH; Bowersville, Little Virginia, and New Providence, PA; Milton, DE; Olivers, San Pierre, Rupel, Tefft, Toto and Wheatfield, IN; Colon, Concord, Haires, Homer, Spring Arbor, Union City and Tekonsha, MI; Merchantville, PAVONIA, Branchport, East Longbranch and Ft. Monmouth, NJ; Frankfort, Harbor, Ilion, McConnellsville, Pittsford, Cheming Junction, Elmira Heights and Horseheads, NY; Coleman, Columbiana Mine, Lisbon, De Cliff, Hepburn, Swan Creek, W. Marion, and N. Cherokee, OH; Ironsides, Glasgow and Irvona, PA; Ludlow, MA; Heilwood, PA; Honeoye Falls and Lima, NY; Ft. George G. Meade, MD; Charlettesville, Cumberland, Gem and Greenfield, IN; Garrettsville, Hiram, Leavittsburg, Phalanx, Amsterdam, Ann Mine, Bergholz, Hopedale, Industrial Mine, K & R 1 Mine, Mechanicstown, Piney Fork and Route 43 Washer, OH; Durbin,

Aylesworth, Hebron, Kouts, Le Roy, North Judson and Winamac, IN; Bayard and Fairhope, OH; Betzwood, Port Indian, and Spring Mill, PA; Harding, Ontario, and Harrods, OH; Malden, NJ; Greason, Lees Cross Roads, Longsdorf, Newville, and Eclipse, PA; Arlington Siding, Fishkill Plains and Manchester Bridge, NY; Centerville and Germantown, IN; Eldorado, New Paris and Stillwater, OH; Clintondale, East Walden and Modena, NY; Amo, Clayton, Coatesville and Plainfield, IN; Cornwall, PA; Highstown, NJ; Covington, Hillsboro, Range Road and Waynetown, IN; Mt. Carmel, PA; Birmingham, Ft. Dix and Pemberton, NJ; Cunningham, Milton, and Semora, NC; Baskerville, Boydton, Buffalo Jct., Finchley, Mayo, Nelson, Union Level and Virgilina, VA; Carthage and Key West, MN; and Lake Kapowsin, WA, on the one hand, and, on the other, points in the United States.

Note.—To the extent that the certificate granted here authorizes the transportation of classes A and B explosives, it will expire 5 years from the date it is issued.

Note.—The purpose of this republication is to include "Alaska and Hawaii" in the territorial description.

MC 148036 (Sub-4) (republication) filed July 19, 1982; published in the *Federal Register* issue of August 9, 1982; and republished this issue. Applicant: RED WING TRANSPORTATION CORPORATION, Box 87, Highway 63, Hager City, WI 54104. Representative: Harry P. Strong, Jr., 201 Security Bldg., 2395 University Avenue., St. Paul, MN 55115 (612-645-0511). In a decision, by the Commission, Review Board #3, decided October 14, 1982; and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products*, between points in the United States (except Alaska and Hawaii), and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Minnesota and Pepin County, WI, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include "food and related products in bulk" in the commodity description.

MC 161637 (republication) filed May 6, 1982; published in the *Federal Register* issue of May 26, 1982; and republished

this issue. Applicant: ROBERT SAMAC, d.b.a. S.S.T., 905 S. 209th, Seattle, WA 98148. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Phone: (206) 453-0312. In a decision, by the Commission, Division 1, decided October 27, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt*, between points in Washington, on the one hand, and, on the other, points in Utah; (2) *building materials*, between points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (3) *iron and steel articles*, between points in California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include "California, Idaho, and Montana" in Part 2 of the grant of authority.

[FR Doc. 82-34241 Filed 12-16-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the *Federal Register* on November 24,

1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operation (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275-5223.

Volume No. OP3-47

Decided: December 10, 1982.

MC 1515 (Sub-318), filed November 19, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant) (602) 248-5016. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seek to provide privately-funded special and charter transportation.

MC 1934 (Sub-51), filed November 22, 1982. Applicant: THE ARROW LINE, INC., P.O. Box 387, East Hartford, CT 06108. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, DC 20036 (202) 466-3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 107815 (Sub-12), filed November 29, 1982. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative: Steven C. Schoenebaum, 1100 Carriers Bldg., 601 Locust, Des Moines, IA 50309 (515) 283-2076. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 109014 (Sub-7), filed November 23, 1982. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Ave., Jonesboro, AR 72401. Representative: Patsy Gerber (Same address as applicant), (501) 935-5569. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 120515 (Sub-2), filed November 19, 1982. Applicant: ARROW BUS LINE, INC., P.O. Box 842, Tillson, NY 12486. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA

01103 (413) 781-8205. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 121684 (Sub-4), filed November 19, 1982. Applicant: ORLANDO TRANSIT COMPANY, 4950 L. B. McLeod Rd., Orlando, FL 32802. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783-3535. Transporting *passengers*, in special and charter operations, beginning and ending at points in FL, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 133305 (Sub-4), filed November 19, 1982. Applicant: DAVIS TOURS, INC., 711 12th St., No., Canton, OH 44704. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005, (202) 783-3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in OH, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 134845 (Sub-5), filed November 22, 1982. Applicant: AMERICAN TRAVELINE COACH COMPANY, 4991 Factory Dr., Fairfield, OH 45014. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, DC 20036, (202) 466-3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 143065 (Sub-6), filed November 23, 1982. Applicant: WEATHERFORD TRANSIT, INC., Highway 15 N., P.O. Box 1764, Hartsville, SC 29550. Representative: L.C. Major, Jr., Suite 304 Overlook Bldg., 6121 Lincoln Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750-1112. Transporting *passengers*, in special charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 145784 (Sub-1), filed November 23, 1982. Applicant: ATLANTIC COAST TOURS, INC., 284 Main St., Butler, NJ 07405. Representative: L.C. Major, Jr., Suite 304 Overlook Bldg., 6121 Lincoln Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750-1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146675 (Sub-3), filed November 19, 1982. Applicant: KINCAID COACH LINES, INC., 9207 Woodend Rd., Edwardsville, KS 66111. Representative: Michael T. Kincaid (same address as applicant) (913) 441-6200. Transporting *passengers*, in special and charter operations, beginning and ending at points in MO, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148425 (Sub-5), filed November 19, 1982. Applicant: SUNDANCE STAGE LINES, INC., 3762 Main St., San Diego, CA 92113. Representative: Roger Curtis McKee, 5030 Camino de la Siesta, Suite 305, San Diego, CA 92108 (714) 296-5051. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 151475 (Sub-2), filed November 19, 1982. Applicant: HUDSON GENERAL COACH LINES, INC., P.O. Box 880, Huntington Park, CA 90255. Representative: L. C. Major, Jr., Suite 304 Overlook Building, 6121 Lincoln Rd., P.O. Box 11278, Alexandria, VA 22312 (703) 750-1112. Transporting *passengers*, in charter and special operation, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 154135 (Sub-2), filed November 23, 1982. Applicant: ELLISON TRANSPORTATION CO., P.O. Box 636, Roseburg, OR 97470. Representative: Jerry R. Woods, Rm 104 Flavia Hall, P.O. Box 28, Marylhurst, OR 97036 (505) 635-5600. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 156384 (Sub-2), filed November 23, 1982. Applicant: TRANSPOR, INCORPORATED, 9 Mill Plain Rd., Danbury, CT 06810. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022 (212) 759-3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164674, filed November 23, 1982. Applicant: QUADRA BUS CORP., 145-42 180th Street, Springfield Gardens, NY

11434. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022 (212) 759-3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164815, filed November 22, 1982. Applicant: DELY TRAVEL SERVICE, INC., 20223 Mack Avenue, Grosse Pointe Woods, MI 48236. Representative: Robert J. Brooks, 1828 L Street, NW., Suite 1111, Washington, DC 20036 (202) 466-3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164824, filed November 22, 1982. Applicant: CUMBERLAND COACH SERVICE, LTD., 295 Skidmore Road, Deer Park, NY 11729. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022 (212) 759-3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 164835, filed November 22, 1982. Applicant: THOMAS COACH LINES, INC., 740 Sylviawood Ave., Park Ridge, IL 60068. Representative: Robert A. Thomas (same address as applicant) (312) 823-6794. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164855, filed November 22, 1982. Applicant: McCLARY TOURS, INC., 20 Courtney Drive, Farmingville, NY 11738. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022 (212) 759-3700. Transporting *passengers* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164895, filed November 26, 1982. Applicant: CENTURY MOVING & STORAGE, INC., P.O. Box 923, Long Beach, CA 90801. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *shipments weighing 100*

pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 164914, filed November 29, 1982. Applicant: DENNIS L. JACKSON d.b.a. MOONBEAM EXPRESS, 6714 Summitview Ave., Yakima, WA 98908. Representative: Dennis L. Jackson (same address as applicant) (509) 965-4178. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 164974, filed December 2, 1982. Applicant: PETER D. THORNBURG d.b.a. THORNBURG TRANSFER, 6405 Bridge Rd. #201, Madison, WI 53713. Representative: Ann M. Thornburg (Same address as applicant) (608) 221-8187. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP3-52

Decided: December 13, 1982.

MC 142765 (Sub-15), filed December 1, 1982. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Rd., Bethany, CT 06525. Representative: Mel P. Booker, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836-6115. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

Volume No. OP4-067

Decided: December 13, 1982.

MC 126526 (Sub-2), filed November 29, 1982. Applicant: FAIRBANKS MIDWEST TRUCK LINES, INC., 1721 Thorne Rd., Tacoma, WA 98421. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household

goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods*, for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OP4-069

Decided: December 13, 1982.

MC 111347 (Sub-4), filed December 8, 1982. Applicant: PRIGGE'S CHARTERED BUSES, INC., d.b.a. PRIGGE'S DISCOVERY COACH LINES, 305 S. Commerce St., Sheboygan, WI 53081. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 129596 (Sub-2), filed December 3, 1982. Applicant: ABC BONDED WAREHOUSES, INC., 5000 Pan American Freeway, N.E., Albuquerque, NM 87109. Representative: Norris R. Penny, Sr. (same address as applicant), (505) 881-1414. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 138297 (Sub-12), filed December 3, 1982. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 144237 (Sub-2), filed December 2, 1982. Applicant: EUGENE T. FALBO, d.b.a. MOUNTAIN VIEW TOURWAYS, R.D. #6, Box 401, Latrobe, PA 15650. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164906, filed November 29, 1982. Applicant: MAE BUS SERVICE, 501 Riddick Circle, Suffolk, VA 23434. Representative: Edward L. Mae (same address as applicant), (804) 539-8174. Transporting *passengers*, in special and charter operations, beginning and ending at points in VA and NC, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164967, filed November 29, 1982. Applicant: POCONO MOUNTAIN TRAILS, INC., Box 488, Blirstown, NJ 07825. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164986, filed December 28, 1982. Applicant: DAVID C. McCOY, d.b.a. McCOY'S CHARTER SERVICE, 3040 E. Olive, Unit 106A, Fresno, CA 93701. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicants seeks to provide privately-funded charter and special transportation.

Volume No. OP4-071

Decided: December 13, 1982.

MC 162316, filed November 23, 1982. Applicant: SOUTHERN CHARTERWAYS LTD., P.O. Box 1115, Swift Current, Saskatchewan, Canada S9H 3X3. Representative: Kenneth Donaldson (same address as applicant), (306) 773-4891. Transporting *passengers*, in charter or special operations, beginning and ending at points on the International Boundary Line between the U.S. and Canada at points in WA, ID, MT, ND and AK, and extending to points in AK, AR, AZ, CA, CO, FL, GA, IA, ID, IL, KS, KY, MI, MN, ND, NE, NV, OK, SD, TN, TX, UT, WA, MT and WY.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164717, filed November 17, 1982. Applicant: FISCHBACH LIMOUSINE SERVICE, INC., 160 Cabrini Blvd., Apt 31, New York, NY 10033. Representative: Marilyn Mauler, 445 Park Ave., New York, NY 10022, (212) 980-3200. Transporting *passengers*, in charter and special operations, beginning and ending at points in NY, and extending to points in NJ, PA, CT, MA, NH and VT.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164866, filed November 26, 1982. Applicant: KEITH D. SNYDER, d.b.a., PUNXSUTAWNEY BUS CO., 106 Pine St., Punxsutawney, PA 15767. Representative: Keith D. Snyder (same

address as applicant), (814) 938-7630. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164936, filed December 1, 1982. Applicant: NORTH CENTRAL LABORATORIES, INC., 510—25th Ave. North, P.O. Box 1417, St. Cloud, MN 56302. Representative: James E. Ballenthin, 1018 Conwed Tower, 444 Cedar St., St. Paul, MN 55101, (612) 227-7731. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 164956, filed November 29, 1982. Applicant: GARY J. PADRTA, d.b.a. WESTERN TRUCK BROKERS, 6422 E. Mallon, Spokane, WA 99206. Representative: Gary J. Padrta (same address as applicant), (509) 534-9363. As a *broker of general commodities* (except household goods) between points in the U.S. (except AK and HI).

[FR Doc. 82-34248 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the *Federal Register* on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under

49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team Three at (202) 275-5223.

Volume No. OP3-45A

Decided: December 10, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164965, filed December 2, 1982. Applicant: RAINBOW TRANSPORT, INC., 7925 Nevada Avenue, Hammond, IN 46323. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Note.—This application is directly related to MC-F 15026, published in this same *Federal Register* issue.

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-280.

Decided: December 8, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 43038 (Sub-501), filed November 30, 1982. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, Fourth Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071, (315) 352-9200. Transporting *motor vehicles*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons, who are engaged in business as manufacturers, distributors or dealers of motor vehicles.

MC 74169 (Sub-10), filed December 1, 1982. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, NE 68127. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods*, between points in the U.S. (except VT, AK and HI).

MC 75138 (Sub-5), filed December 1, 1982. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, 2105 Wall Avenue, Ogden, UT 84401. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902, (301) 649-5074. Transporting (1) *household goods*, (2) *furniture and fixtures*, and (3) *office and store equipment*, (a) between points in the U.S. in and west of MN, WI, IL, MO, AR, and LA (except AK and HI), and (b) between points in the U.S. in and west of MN, WI, IL, MO, AR, and LA (except AK and HI), on the one hand, and, on the other, points in the U.S. east of MN, WI, IL, MO, AR, and LA (except VT).

MC 104758 (Sub-4), filed November 29, 1982. Applicant: PAT'S VAN LINES, INC., 3616 Indiana, Kansas City, MO 64128. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line—Suite 232, Kansas City, MO 64114, (816) 444-7474. Transporting *household goods*, between points in AL, AR, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA and WV.

MC 128648 (Sub-35), filed December 2, 1982. Applicant: TRANS-UNITED, INC., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 263-2306. Transporting *such commodities* as are dealt in or used by dealers and distributors of building materials and lumber and wood products, between points in the U.S. (except AK and HI).

MC 154739 (Sub-5), filed November 22, 1982. Applicant: JEBCO LEASING, INC., 515 El Camino Road, Greenwood, IN 46142. Representative: Walter F. Jones, Jr., 1111 East 54th St., Suite 155, Indianapolis, IN 46220, (317) 257-4066. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Prior or coincidental cancellation, at applicant's written request, of Permits No. MC 154739 (Subs 1, 2, 3 & 4).

Note.—The purpose of application is to convert applicant's authority from contract to common.

MC 163778 (Sub-1), filed November 26, 1982. Applicant: J. H. TRANSPORT, INC., 105 Lakeside Drive, Stanton, MI

48888. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, (616) 941-5313. Transporting *food and related products*, between points in Scott County, MS; and MI; on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164189, filed November 29, 1982. Applicant: YELLOWHEAD TRANSPORT, LTD., Box 386, Yorkton, Saskatchewan, Canada S3N 2W1. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. Transporting *fertilizer and feed and feed ingredients*, between ports of entry on the international boundary line between the United States and Canada, in MT, ND, ID, WA and MN, on the one hand, and on the other, those points in the U.S. in and west of WI, IA, MO, AR and LA, (except AK and HI).

Volume No. OP-5-283

Decided: December 9, 1982

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 76818 (Sub-2), filed November 29, 1982. Applicant: WM. PERRY TRUCKING, INC., One Warren Ave., Braintree, MA 02184. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617-749-6500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ME, NH, VT, MA, RI, CT, NY and NJ.

MC 140928 (Sub-4), filed November 24, 1982. Applicant: VULCAN FREIGHT LINES, INC., P.O. Box 6223-A, Birmingham, AL 35217. Representative: John R. Frawley, Suite 200, 120 Summit Pkwy., Birmingham, AL 35209-4786, 205-942-9116. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, FL, GA, KY, LA, MO, MS, OK, SC, and TN, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, MO, IA and MN.

MC 151989 (Sub-2), filed November 23, 1982. Applicant: TODD TRANSPORTATION COMPANY, 421 Garrard Street, Covington, KY 41011. Representative: Stephen D. Strauss, 2510 Carew Tower, Cincinnati, OH 45202, (513) 621-4607. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164578, filed November 29, 1982. Applicant: TRUCK CONTROL SERVICE, INC., 7017 N. 56th Avenue, Glendale, AZ 85301. Representative: Phil B. Hammond, 3003 N. Central, Suite

2201, Phoenix, AZ 85012, (602) 266-2224. Transporting *wire and cable*, between points in the U.S., under continuing contract(s) with Times Fiber Communications, Inc., of Wallingford, CT.

MC 164648, filed November 8, 1982. Applicant: HUQ'S EXPRESS, INC., 34 Mason Rd., Dudley, MA 01570. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, 201-836-1144. Transporting *chemicals and related products*, and *furniture and fixtures*, between points in MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

MC 164848, filed November 17, 1982. Applicant: MAGRA, INC., 1720 Dove St., P.O. Box 152, Port Huron, MI 48060. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, 313-963-3750. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MI and OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 164879, filed November 23, 1982. Applicant: WAYNE L. BARNEY, d.b.a. PRESCOTT DELIVERY SERVICE, 206 E. Sheldon, Prescott, AZ 86301. Representative: Andrew V. Baylor, 337 E. Elm Street, Phoenix, AZ 85012, (602) 274-5146. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Coconino, Maricopa and Yavapai Counties, AZ.

[FR Doc. 82-34247 Filed 12-16-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP-2-316]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The

applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all

conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Decided: December 9, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,
Secretary.

MC 164862, filed November 26, 1982.
Applicant: MOTOR EXPRESS RENTALS CORP., 6501 West 65th St., Chicago, IL 60638. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, 312-236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CO, NE, NM, OK, UT and WY.

Note.— This application is directly related to MC-F-15015, published in the same Federal Register issue.

[FR Doc. 82-34246 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-95)]

Illinois Central Gulf Railroad Co.; Abandonment in Sharkey and Washington Counties, MS; Findings

The Commission has issued a certificate authorizing Illinois Central Gulf Railroad Company to abandon its 17.49 mile rail line from milepost 158.44 south of Hollandale, Washington County, MS, to mile post 175.93 north of Rolling Fork, Sharkey County, MS. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be

remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-34242 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278, or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuses of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board	Decided date
464	Illinois Central Gulf Railroad Co., ICC-ICG-C-0038, Supplement 1, (Creosoted railroad ties)	1	12-13-82
466	Missouri Pacific Railroad Co., ICC-MP-C-0050, Supplement 3, (Corn syrup)	3	12-13-82

Sub-No.	Name of railroad, contract No., and specifics	Review Board ¹	Decided date
469	Burlington Northern Railroad Co., ICC-BN-C-0201, (Canned and preserved food-stuffs)	3	12-13-82
470	Burlington Northern Railroad Co., ICC-BN-C-0027-A, (Soda ash)	1	12-13-82
471	Union Pacific Railroad Co., ICC-UP-C-0083, Supplement 1, (Canned goods)	1	12-13-82
473	Southern Pacific Transportation Co., ICC-SP-C-0182, Supplement 1, (Grain sorghums)	3	12-13-82
474	Missouri Pacific Railroad Co., ICC-MP-C-0208, (Silica sand and limestone)	1	12-13-82
476	The Texas Mexican Railway Co., ICC-TM-C-33, Supplement 1, (Sunflower seed)	3	12-13-82

¹Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating. Review Board No. 3, Members Krook, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-34243 Filed 12-16-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the administrators for coal mine safety and health and metal and nonmetal mine safety and health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under Section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: That an alternative method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of

the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the Federal Register. Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: December 1, 1982.

Patricia W. Silvey,
Acting Director, Office of Standards,
Regulations and Variances.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION

Docket No.	FR Notice	Petitioner	Regulations affected	Summary of findings
M-81-117-C	46 FR 39243	Consolidation Coal Co	30 CFR 75.1303	Underground storage of explosives in excess of forty-eight hours with specified safeguards and precautions considered acceptable alternative method. Granted with conditions.
M-81-163-C	47 FR 11344	T.A.G. Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine which would maintain a safe and healthful atmosphere considered acceptable alternative method of compliance. Granted with conditions.
M-81-173-C	47 FR 7897	K. and D. Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine which would maintain a safe and healthful atmosphere considered acceptable alternative method of compliance. Granted with conditions.
M-81-201-C	46 FR 58385	Peabody Coal Co	30 CFR 75.503	Metal, spring-loaded, self-locking harness snaps considered acceptable alternative to padlocks for securing battery plugs to battery-tray receptacles on permissible mobile battery-powered machines. Granted with conditions.
M-81-207-C	46 FR 52446	Peabody Coal Co	30 CFR 75.503	Bolt- and nut-locking devices considered acceptable alternative to padlocks for securing battery plugs to battery-tray receptacles on permissible mobile battery-powered machines. Granted with conditions.
M-81-241-C	46 FR 62201	Zeiger Coal Co	30 CFR 75.503	Metal, spring-loaded, self-locking harness snaps considered acceptable alternative to padlocks for securing battery plugs to battery-tray receptacles on permissible mobile battery-powered machines. Granted with conditions.
M-81-230-C	47 FR 1354	Carbon Fuel Co	30 CFR 75.305	Due to deteriorating roof conditions, petitioner's proposal to danger off specified entries in Section 7 and the return airways in their entirety and to establish specified checkpoints considered acceptable alternative method. Granted with conditions.
M-81-252-C	47 FR 5493	Freeman United Coal Mining Co	30 CFR 75.503	Metal, spring-loaded, self-locking harness snaps or bolt- and nut-locking devices considered acceptable alternative to padlocks for securing battery plugs to battery-tray receptacles on permissible mobile battery-powered machines. Granted with conditions.
M-81-265-C	47 FR 12403	Coal Valley Mining, Inc	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights on specified equipment would result in a diminution of safety for the miners affected. Granted with conditions.
M-81-271-C	47 FR 8895	AMAX Coal Co	30 CFR 75.503	Metal, hook-type locking devices considered acceptable alternative to padlocks for securing battery plugs to machine-mounted battery receptacles on permissible mobile battery-powered machines. Granted with conditions.
M-81-274-C	47 FR 8504	Kanawha Coal Co	30 CFR 49.6(a)(1)	Equipping the mine rescue station with seven self-contained oxygen breathing apparatus and maintaining an agreement with a fully equipped backup team located within 2 hours ground travel time from the mine considered acceptable alternative method. Granted with conditions.
M-81-275-C	47 FR 7548	McDaniel Mining Co., Inc	30 CFR 75.305	Due to deteriorating roof conditions, petitioner's proposal to establish and maintain three air measuring stations at specified locations considered acceptable alternative method. Granted with conditions.
M-82-6-C	47 FR 8896	Irmann Coal Co	30 CFR 75.519	Relocation of disconnecting switch for a main power circuit 1200 feet from shaft in lieu of locating the switch within 500 feet of shaft which is subject to water accumulation considered acceptable alternative method. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR Notice	Petitioner	Regulations affected	Summary of findings
M-82-16-C	47 FR 13432	Barrett Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine which would maintain a safe and healthful atmosphere considered acceptable alternative method of compliance. Granted with conditions.
M-82-17-C	47 FR 13433	Little Egypt Coal Co	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights on specified equipment would result in a diminution of safety for the miners affected. Granted in part with conditions.
M-82-27-C	47 FR 18079	Quality Coal Co	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights on specified equipment would result in a diminution of safety for the miners affected. Granted in part with conditions.
M-82-37-C	47 FR 18077	Beckley Lick Run Co	30 CFR 75.326	Petitioner's proposal to use belt and haulage entries for ventilation with specified safeguards considered acceptable alternative method. Granted with conditions.
M-80-20-M	45 FR 30735	St. Joe Minerals Corp	30 CFR 57.4-61A	Installation of ventilation doors would result in a diminution of safety for the miners affected. Granted with specified conditions.
M-80-44-M	45 FR 32440	Cotter Corp	30 CFR 57.19-83	Petitioner's proposal to operate a hoist without a motor drive torque device but instead with specified safeguards considered acceptable alternative method of compliance. Granted with conditions.
M-80-91-M	45 FR 61396	ASARCO, Inc	30 CFR 57.4-27	Petitioner's proposal to strategically place 20-lb. fire extinguishers throughout the stope considered acceptable alternative method of compliance. Granted with conditions.
M-80-100-M	45 FR 74094	Noranda Mining, Inc	30 CFR 57.11-41	A fall prevention system consisting of a notched carrier rail on ladder, and two snaps on the sleeve that fasten to the safety belt considered acceptable alternative method to providing landings every 30 feet in the vertical borehole. Granted with conditions.
M-81-16-M	46 FR 32102	Scolite International Corp	30 CFR 56.9-88	Proposed use of a tractor on level surfaces equipped with seatbelts and a completely enclosed, windowed cab with a metal roof considered acceptable alternative to installing a roll-over protective structure. Granted with conditions.
M-81-53-M	46 FR 49233	The New Jersey Zinc Co	30 CFR 57.19-83	Petitioner's proposal to use a hoist "back out" procedure to correct overtravel occurrences with specific safeguards considered acceptable alternative method of compliance. Granted with conditions.

[FR Doc. 82-33810 Filed 12-16-82; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application Nos. D-3437, D-3438]

Proposed Exemption for Certain Transactions Involving Ely, Guess & Rudd, A Professional Corp.; Pension Plan and Ely, Guess & Rudd, A Professional Corporation Profit Sharing Plan Located in Anchorage, Alaska

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the loan of \$96,250 by the Ely, Guess & Rudd, A Professional Corporation Pension Plan (the Pension Plan) and a loan of \$63,750 (collectively, the Loans) by Ely, Guess & Rudd, A Professional Corporation Profit Sharing Plan (the Profit Sharing Plan collectively, the Plans) to Ely, Guess & Rudd, A Professional Corporation (the Employer), a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the

participants and beneficiaries of the Plans and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 31, 1983.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application Nos. D-3437, D-3438. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 408(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer,

pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer, a law firm in Anchorage, Alaska, established the Pension Plan as a non-contributory money purchase pension plan and the Profit Sharing Plan as a non-contributory profit sharing plan on November 24, 1970. As of January 31, 1982, the Pension Plan had total assets of \$1,470,620 and approximately 53 participants and the Profit Sharing Plan had total assets of \$1,086,402 and approximately 53 participants. The assets of both Plans have been commingled into one common fund. The Ely, Guess & Rudd Trust Committee (the Committee) directs all investments for

the Plans. The individuals who comprise the Committee and make the investment decisions for the Plans are all officers and/or shareholders of the Employer.

2. The applicant is requesting an exemption which would permit the Plans to make the Loans to the Employer. The proceeds from the Loans would be used to assist the Employer in financing the purchase of computer equipment and software (the Computer System) which will cost approximately \$152,755. The Loans will have a floating interest rate of 1 percent over the prime rate of the Seattle First National Bank (the Bank) of Seattle, Washington, adjusted quarterly with a floor of 12½ percent and a term of 5 years. Repayment will be made in equal monthly installments of principal and interest. The Loans will be secured by certain assets (the Collateral) of the Employer. The Collateral will include the Computer System, certain office equipment and fixtures (the Office Equipment) and an unencumbered NEAX-12 EPABX telephone system (the Telephone System) of the Employer. In addition, the Employer will pledge approximately \$300,000 of unencumbered accounts receivables (the Accounts Receivable) of less than 30 days as security for the Loans. An appraisal performed on May 4, 1982 by Bill Borchardt, manager of Arctic Office Machine and Furniture Company of Anchorage, Alaska, valued the Office Equipment between \$35,000 and \$40,000. An appraisal performed on June 24, 1982 by Richard B. Wells, a communications consultant of Executone of Alaska, Inc., Anchorage, Alaska, valued the Telephone System at between \$35,000 and \$40,000. The Plans will maintain perfected first security interests in the collateral through the execution and filing by the Employer of security agreements on behalf of the Plans. The Employer will incur all costs necessary to obtain and preserve the Collateral, including, but not limited to, paying all taxes, assessments, insurance premiums, etc. The Employer will warrant to own, throughout the term of the Loans, all Collateral free from any adverse claims, security interests or encumbrances. The Collateral will be fully insured and the Plans will be the named insured.

3. Peoples Bank and Trust (Peoples) of Anchorage, Alaska, an unrelated party, has agreed to serve as an independent fiduciary with respect to the transactions. It is represented that Peoples, after reviewing the proposed transactions and the accompanying security arrangement, believes that the Loans are in the best interest of the

Plans, their participants and beneficiaries and protective of their rights. Peoples will monitor all terms and conditions of the Loans, enforce collection of the Loans in the event of default and will require annual appraisals of the Collateral. Peoples will require the Employer to provide additional collateral within 30 days when, in its opinion, the market value of the Collateral is less than 200 percent of the remaining unpaid balance of the Loans. In such instance, Peoples will be provided with additional collateral so that the outstanding balance of the Loans will always be 200 percent secured.

4. In summary, the applicant represents that the Loans satisfy the statutory criteria of section 408(a) of the Act because: (a) the Committee represents that the Loans would provide an investment opportunity more attractive than others currently available to the Plans; (b) Peoples, an independent fiduciary, has determined that the Loans are in the best interests of the Plans' participants and beneficiaries and protective of their rights; (c) the Loans will at all times be secured by the Accounts Receivable and the Collateral which would represent at least 200 percent of the outstanding balance of the Loans; and (d) Peoples will monitor all terms and conditions of the Loans.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all of the Plans' participants and beneficiaries. Within 14 days of the publication of the notice of pendency in the **Federal Register**, notice to active employees will be given by posting the notice on the employee bulletin boards located in each of the three offices of the Employer. In addition, notice will be given to each former employee or beneficiary by mailing such notice to his last known personal residence by first class mail. Such notice will contain a copy of the notice of pendency of such exemption published in the **Federal Register** and will inform such interested persons of their right to comment or request a hearing within the period set forth in the notice of pendency of exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any

prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the

exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loans by the Plans to the Employer provided the terms and conditions of the Loans will be and remain at least as favorable to the Plans as those which the Plans could receive in an arm's-length transaction with an unrelated party. The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 9th day of December, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-34327 Filed 12-16-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-300]

Proposed Exemption for Certain Transactions Involving the Vern Sims Ford Profit Sharing Plan Located in Sedro Wooley, Washington

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) The past sales of leases (the Lease(s)) of automobiles to the Vern Sims Ford Profit Sharing Plan (the Plan) by Vern Sims Ford, Inc. (the Employer), the sponsor of the Plan; and (2) the guarantee by the Employer in the event of default of the obligations of the lessees under the Leases. The proposed exemption, if granted, would affect the Employer, the participants and beneficiaries of the Plan and other persons participating in the transactions.

EFFECTIVE DATE: This exemption is effective January 1, 1975.

DATE: Written comments and requests for a public hearing must be received by

the Department on or before January 27, 1983.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-300. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Preamble

On March 23, 1979, the Department published a class exemption (Prohibited Transaction Exemption 79-9 (PTE 79-9), 44 FR 17819), which permits employee benefit plans to purchase certain notes from employers any of whose employees are covered by the plan where the employers receive such notes from their customers in the ordinary course of their business and the notes are collateralized by security agreements on the property purchased by the customers.

In PTE 79-9 the Department defined a customer note for purposes of the exemption as " * * * a two party instrument executed along with a security agreement for tangible personal property, which is accepted in connection with, and in the normal course of the employer's primary

business activity as a seller of such property * * *"

The transactions which are the subject of this exemption involve automobile Leases originated by the Employer and sold to the Plan and therefore do not fall within the definition of customer notes. However, because the Leases and attendant arrangements appear to parallel those transactions contemplated by PTE 79-9 in that the Leases were accepted by the Employer in connection with, and in the normal course of, the Employer's primary business activity as a seller and lessor of automobiles and are executed along with a security agreement for the automobile, the Department has determined that relief comparable to that afforded by PTE 79-9 would be appropriate.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with approximately six participants. The trustees (the Trustees) of the Plan are employees and officers of the Employer. While the Trustees are responsible for the investments of the Plan, all investments of the Plan are subject to a majority vote of all participants and any participant may direct that his particular account may be withheld from a particular investment.

2. The Employer is an automobile dealership engaged in the leasing and retail sale of automobiles. Since November of 1973, the Employer has been selling a number of the Leases it has originated to the Plan and to other local investors including the Rainier National Bank of Sedro Wooley, Washington (the Bank). The Bank is independent of the Employer. Approximately 25% of all Leases originated by the Employer have been sold to the Plan. The terms and conditions of the Leases offered by the Employer to the Bank and other investors have been identical to those offered the Plan. The Bank represents that it has actively solicited the purchase of the Leases from the Employer as such Leases have provided the Bank with an average rate of return of 2.25% above its prime interest rate. The lessees under the Leases sold to the Plan have all been unrelated to the Employer.

3. The applicant represents that the sale of a Lease is essentially the sale of

an automobile subject to a Lease whereby in exchange for the purchase price of the Lease, the purchaser, in this case the Plan, receives from the Employer title and ownership of the automobile, a promissory note (the Note) based on the price of the Lease and an assignment of rentals under the Lease. The price of the Lease is based upon the wholesale cost (the Principal Amount) of the automobile to the Employer plus the residual value (the Residual Value) of the automobile at the end of the Lease. The Residual Value is calculated at the inception of the Lease based upon the "blue book" value of the automobile at the expiration of the Lease. The duration of the Leases sold to the Plan by the Employer ranged from twelve to forty-eight months, with the average being thirty-six months. The lessee under the Lease typically made monthly rental payments which varied between 1.67% and 2% of the Principal Amount of the Lease. In the case of a Lease sold by the Employer to the Plan, the Employer collected the rentals from the lessee each month and remitted the rentals immediately to the Plan. The Employer retained none of the rentals as fees for this service. The monthly rentals thus received by the Plan were applied to the monthly payment due by the Employer and the Note. If no rental payment was received by the lessee under the Lease, the Employer would still remit its monthly payment on the Note. The applicant represents that the Note served to obtain the Employer as guarantor of the rentals to be received under the Lease. Further, the Employer guaranteed the immediate repayment of the balance due on the Lease in the event of a default. The rental payments essentially repaid the Plan the Principal Amount of the Lease plus a specified rate of return. At the termination of the Lease, possession of the automobile reverted to the Plan at which time the Plan had the option of selling the automobile to the lessee at its Residual Value or to the Employer at the Residual Value.

4. The Plan, through the Employer's credit department, investigated the credit rating of all lessees under Leases which have been sold to the plan. The applicant represents that customers with good credit standing, records of repayment and long satisfactory association with the Employer were preferred and chosen as lessees under Leases which were sold to the Plan. In the event of a default under a Lease the Plan at its option could: (1) Terminate the Lease; (2) collect on the Employer's guarantee of the immediate repayment of the balance owing the Plan by the

lessee under the Lease; and (3) instruct the Employer, at the Employer's expense, to repossess the automobile subject to the Lease and return it to the Plan. The Employer represents that the Plan has experienced no defaults on any Lease sold to the Plan by the Employer. Full insurance coverage was required to be maintained by the lessee on an automobile under a Lease. If the lessee did not maintain such insurance, the Plan could declare a default, so notify the Employer and the Employer would repossess the automobile.

5. The applicant represents that no more than $\frac{1}{2}$ of 1% of the total assets of the Plan, at any one time, have been invested in a Lease to any one lessee. The applicant also represents that, at times, the total percentage of Plan assets invested in the Leases exceeded 50%. The Department proposes that this exemption extend only to those past sales of Leases to the Plan by the Employer whereby as a result of such sales the Plan had 50% or less of its assets invested in such Leases.¹ Whereby as the result of the past sales of the Leases the Plan had in excess of 50% of its assets invested in the Leases, the Employer represents that it will pay all applicable excise taxes on the excess within 90 days of the grant of this exemption.

6. The applicant represents that the past sales of Leases by the Employer to the Plan satisfied the statutory criteria of section 408(a) of the Act because: (1) The Leases were originated by the Employer in the ordinary course of its business; (2) the terms and conditions of the Leases sold to the Plan were identical to those of Leases sold to the Bank, an unrelated party; (3) the employer guaranteed the repayment of the balance remaining on the Leases in the event of default by a lessee; (4) the terms of the Leases were for relatively short periods of time; (5) insurance against any loss or damage had been procured and maintained by the lessee as a condition of the Lease; (6) the Plan has experienced no defaults with respect to the Leases sold the Plan by the Employer; (7) a relatively small percentage of the Leases originated by the Employer were sold to the Plan and no more than $\frac{1}{2}$ of 1% of the assets of the Plan were, at any one time, invested in a Lease with any one lessee; and (8) the sale of the Leases to the Plan parallel those transactions contemplated by PTE 79-9.

¹ This restriction parallels Section II, D of PTE 79-9 which states that the acquisition of a customer note from the employer shall not cause a plan to hold more than 50% of the current value of plan assets in customer notes of the employer.

Notice to Interested Persons

Notice will be provided to all participants and beneficiaries of the Plan within 10 days after the publication of the notice of pendency in the *Federal Register*. Notice will be by mailing or posting at locations within the premises of the Employer which are customarily used for employee notices. Notice will consist of a copy of the notice of pendency as published in the *Federal Register* and a statement informing interested persons of their right to comment or request a hearing on the proposed exemption within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of

whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writers' interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The past sales of the Leases by the Employer to the Plan whereby as a result of such sales the Plan had 50% or less of its assets invested in such Leases, provided that the sales of the Leases and the terms and conditions of the Leases were at least as favorable to the Plan as arms-length transactions with unrelated parties; and (2) the guarantee of the Employer of the obligations of the lessees under the Leases in the event of a default by the lessees under the Leases.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of this exemption.

Signed at Washington, D.C., this 9th day of December 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-34326 Filed 12-16-82; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Norman Frumkin, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr.

Larson of this intent at the earliest possible date.

New

Employment Standards Administration
Overpayment Recovery Questionnaire
ESA/BL CM-1167

On occasion

Federal Black Lung recipients
2200 responses; 733 hours; one form.

The information is needed to determine whether or not an overpaid individual is able to pay a claim for recovery of an overpayment, consideration must be given to the individual's present and potential income, possible concealment or improper transfer of assets, and assets of the individual which may be available in enforced collection proceedings.

Extension (Burden Change)

Bureau of Labor Statistics

Hours at Work Survey

BLS 2000N, 2000P

Annual

Businesses or other institutions

Small businesses

SIC: All except 001 and 002

2925 responses; 731 hours; two forms.

Hours at work information is needed to more correctly measure labor input for productivity measures. Presently, labor input is measured using hours paid. The collection of information on hours at work began in March 1982 and must be collected annually. Ratios of hours at work to hours paid will be calculated to adjust present measures.

Signed in Washington, D.C., this 14th day of December, 1982.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 82-34322 Filed 12-16-82; 8:45 am]

BILLING CODE 4510-27; 4510-24-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any

request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary,

Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient

nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 13th day of November, at Bethesda, Md.

For the Nuclear Regulatory Commission,
James V. Zimmerman,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT)

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Edlow Int'l, 11/09/82, 11/09/82, XSNMO1997	4.05 pct enriched uranium	517,513.816	19,044.088	Consolidation of 13 export licenses into one for Sweden.	Sweden.
Transnuclear, 12/06/82, 12/06/82, 12/06/82, XSNMO1998	3.35 pct enriched uranium	79,005.000	2,847.170	5 reloads of fuel for Borssele Power Reactor	Netherlands.

[FR Doc. 82-34310 Filed 2-10-82; 8:45 am]

BILLING CODE 7590-01

Applications for Licenses To Import Nuclear Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," notice is made that the Nuclear Regulatory Commission has received an application from Battelle Columbus Laboratories, Columbus, Ohio, for a license authorizing the import of 3.298 kilograms of uranium and .7 gram of plutonium, contained in irradiated fuel elements, from McMaster University, Hamilton, Ontario, for reprocessing at Department of Energy facilities at Scoville, Idaho. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Battelle Columbus Laboratories requested that the normal 30-day period between the notification of the receipt of an application in the Federal Register and the issuance of the license be waived in this instance in order that the shipment might be completed in December, 1982. The firm's request was based on (1) the contract between McMaster University and the Department of Energy for the return and reprocessing of these fuel elements expires December 31, 1982; (2) the shipping casks to be used for this shipment are available for only a limited time period; (3) the uranium which would be recovered is required to meet a contractual timetable for feed material for use in procurement of new fuel to which the Canadians are committed and (4) the shipper desires to minimize anticipated travel problems and delays due to severe weather conditions during the winter months.

This request is essentially the same as many previous requests to import irradiated fuel from Canada, as well as from a number of other foreign countries, which have taken place over a considerable period of time without incident. This import, in the judgment of the NRC staff, poses no unreasonable risk to the public health and safety and will not be inimical to the common defense and security. In light of the urgency expressed by the applicant and for the reasons given above, under the provisions of 10 CFR 110.10(a), this license application was exempted from the normal 30-day waiting period between the date of notice of receipt in the Federal Register and issuance of the license and the license has been granted to Battelle Columbus Laboratories.

Dated this 13th day of December, at Bethesda, Md.

For the Nuclear Regulatory Commission,

James V. Zimmerman,
Assistant Director, Export/Import and International Safeguards Office of International Programs.

[FR Doc. 82-34311 Filed 12-10-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Exemption

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-42 and DPR-60 which authorize operation of the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2. These licenses

provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Goodhue, Minnesota.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections, III.J, is the subject of this exemption request.

Subsection III.J specifies that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.

Section 50.48(c) requires completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability.

By letters dated November 16 and December 1, 1981, Northern States Power Company requested exemptions

from 10 CFR 50.48(c) with respect to the requirements of Subsection III.J of Appendix R as follows:

Extend the implementation date in paragraph (c)(3) for modifications required by Appendix R Subsection III.J that do not require prior NRC approval but require plant shutdown, from the first refueling shutdown or extended outage commencing after 180 days from the effective date of Appendix R for each unit to the refueling outage scheduled for autumn of 1982 for Unit 1 and scheduled for spring of 1982 for Unit 2.

Section 50.48(c)(3) specifies the installation schedule of those fire protection features such as emergency lighting (III.J) that require a plant shutdown to complete the installation. The installation schedule in § 50.48(c)(3) requires the completion of the installation of such fire protection features during the first refueling outage commencing after 180 days from the effective date of Appendix R (February 17, 1981). Hence, § 50.48(c)(3) requires the licensee to complete the installation of the emergency lighting (III.J) during the first refueling outage commencing after August 17, 1981 for each unit.

On May 4, 1982, the Commission granted Northern States Power Company an extension from the schedular requirements of 10 CFR 50.48(c)(3) for Unit 1 until the end of autumn 1982 outage based on facts that had been presented by that date. An exemption was not granted for Unit 2 since the licensee's commitment date by which installation would be completed complied with the schedule specified in § 50.48(c)(3).

By letter dated May 20, 1982, the licensee requested further schedular relief from 10 CFR 50.48(c) in regard to the installation of emergency lighting. Specifically, the request would extend the deadline for completing the installation for both units to the end of December 1982.

The licensee by the same letter also stated that a plant shutdown is no longer considered necessary at either unit in order to implement the Subsection III.J requirements. Because of these changed circumstances, the exemption from the schedular requirements of 10 CFR 50.48(c)(3) granted on May 4, 1982 for Unit 1 is no longer valid. Under conditions described by the licensee's letter dated May 20, 1982 the schedular requirement for Subsection III.J is established in 10 CFR 50.48(c)(2). This subsection requires that the installation of emergency lighting be completed by November 17, 1981, nine months from the effective date of the rule.

The staff informed the licensee by letter dated July 29, 1982 that in order to

consider the exemption request, the licensee would be required to submit a complete and detailed chronology of the efforts to implement Subsection III.J commencing with the publication of the fire protection rule on November 19, 1980 to the present and justify in detail the proposed schedule to complete the installation for both units by January 1, 1983. The licensee by letter dated August 23, 1982 provided additional information supporting the exemption request including a detailed chronology of the efforts to implement Subsection III.J.

III

The licensee stated that for several months following the publication of Appendix R the licensee believed that the existing emergency lighting system, with minor modifications, would satisfy the requirements of Subsection III.J. The existing power source for emergency lighting is automatically transferred to the DC power system which provides power well in excess of the required eight-hour capability. In addition the existing emergency lighting system had been reviewed and found acceptable by the NRC staff based on established positions prior to the issuance of Appendix R. It was not until July 13, 1981 that additional information related to the staff's interpretation of the requirements of Subsection III.J was made known to the licensee. Specifically, using a central power source was found unacceptable unless it could be shown that a postulated fire in one area of the plant could not cause the loss of lighting in another area.¹ This interpretation of Subsection III.J requirements makes it impractical for any permanently wired emergency lighting system, such as that which now exists at the Prairie Island Nuclear Generating Plant, to meet the requirements of the regulation. Efforts to comply with Subsection III.J were redirected on July 13, 1981 to procure and install satisfactory local battery powered lighting units.

When the licensee prepared the exemption requested by letter dated November 16, 1981, the safe shutdown analysis had not progressed sufficiently to identify the exact locations for operation of safe shutdown equipment under Subsection III.G of Appendix R. It appeared at this point in the design that several areas requiring emergency lighting would be in parts of the plant where radiation levels made it imprudent to perform the modifications

¹This finding was contained in our letter to the licensee in regard to an exemption request for the Monticello Plant dated July 13, 1982.

during plant operations. On this basis the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c)(3). It was not until May 1982 that the safe shutdown analysis of Subsection III.G was completed to a point where all areas of the plant needing emergency lighting could be identified. The plant staff determined that emergency lighting could be installed in all of these identified areas during plant operation without disrupting the operation of critical plant equipment or exposing plant personnel to excessive radiation levels. Once these circumstances were known, the licensee, by letter dated May 20, 1982, submitted a second request for a schedule exemption, asking for an extension in the time allowed for completing Subsection III.J modification to January 1, 1983 for both units. As noted above, the appropriate section for the exemption was now stated to be C-2 rather than C-3.

Delays developed when the licensee sought to purchase seismically qualified equipment—a design feature that exceeds the requirements of Subsection III.J. This delay occurred when the foreign battery supplier was no longer a reliable source which led to further delays in the licensee's efforts to purchase suitable lighting units. The purchasing of the lighting units also thwarted by a contract dispute between the lighting unit vendor and the manufacturer of the batteries. In addition, the engineering analysis for emergency lighting resulted in unforeseen delays associated with properly identifying all of the areas where lighting units would be needed until the safe shutdown analysis under Subsection III was nearly completed, which affected the total number of lighting units needed to be purchased.

Based on our consideration of these circumstances, we conclude that the licensee made proper application of available resources in a best effort to provide seismically qualified lighting. However, the time allowed proved to be insufficient to permit full implementation. In addition, we have determined that as an interim compensatory measure the existing emergency lighting, although not fully in compliance with III. J, and in conjunction with the portable lighting units that are available for use by the Operators and members of the fire brigade can provide emergency lighting as needed until the installation of the III. J. units is achieved. On this basis the staff has judged that the request for exemption to allow additional time to complete the installation of the

emergency lighting for both units until January 1, 1983 should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemptions with respect to the requirements of Subsection III.J of Appendix R. to 10 CFR Part 50:

Extend the implementation date in paragraph (c)(2) for installation of modifications required by Appendix R, Subsection III.J for both units, that do not require prior NRC approval or plant shutdown, from nine months after February 17, 1981 to January 1, 1983.

The NRC staff had determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action

Dated at Bethesda, Md., this 8th day of December 1982.

For the Nuclear Regulatory Commission,
Edson G. Case,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-34912 Filed 12-16-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment adds TSs for a Systems Integrity Measurements Program and an Improved Iodine Monitoring Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 25, 1981, (2) Amendment No. 51 to License No. NPF-3, and (3) the Commission's letter to The Toledo Edison Company dated December 10, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the William Carlson Library, University of Toledo, 2801 Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of December 1982.

For The Nuclear Regulatory Commission,
John F. Stolz,
Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 82-34313 Filed 12-16-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 72-2]

Virginia Electric and Power Co.; Consideration of a Materials License for the Storage of Spent Fuel; Correction

The notice that appeared in the Thursday, December 9, 1982 Federal Register (47 FR 55441) contains a typographical error. On page 55442, third paragraph, second line, reads:

"Pursuant to 10 CFR 2.105 by January 10, 1083 * * *", should read "Pursuant to 10 CFR 2.105 by January 10, 1983 * * *".

Dated at Silver Spring, Maryland, this 10th day of December 1982.

For the Nuclear Regulatory Commission,
Leland C. Rouse,
Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 82-34316 Filed 12-16-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-281]

Virginia Electric and Power Co.; Granting of Relief From ASME Code Requirements, Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Virginia Electric and Power Company (the licensee) for the Surry Power Station, Unit No. 2 located in Surry County, Virginia. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50.

This relief allows the licensee to replace 1½ inch drain valves upstream of the main steam trip valve without performing hydrostatic test for the entire steam generators and a considerable portion of the main steam piping. A leakage test will be performed instead. This relief is the same as that provided in NRC letter dated October 1, 1982, for Unit 1 and the Evaluation of Relief Request with that letter applies to this relief request. In this instance, two steam generators are affected instead of one previously.

The request for this granting of relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the Evaluation of Relief Request dated October 1, 1982.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated December 9, 1982; (2) the letter to the licensee dated December 9, 1982; and (3) the letter to the licensee dated October 1, 1982 transmitting the Commission's related Evaluation of Relief Request. These items are

available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Swem Library, Collee of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of December, 1982.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-34314 Filed 12-16-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-676]

Drexel Burnham Lambert Group, Inc.; Application and Opportunity for Hearing

December 7, 1982.

Notice is hereby given that The Drexel Burnham Lambert Group, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act"), for an order exempting Applicant from the registration provisions of Section 12(g) of the 1934 Act.

The Applicant states, in part:

1. In the absence of an exemption, Applicant would be required to register its securities under Section 12(g) of the 1934 Act, and would be required to comply with all reporting requirements thereunder.

2. Applicant believes that the exemptive order it requests is appropriate in view of the fact that there are no public stockholders of the Applicant and that there is no trading interest in its stock.

For a more detailed statement of the information presented all persons are referred to said application which is on file in the Office of the Commission at the Public Reference Room, 450 Fifth Street, N.W., Washington, DC 20549.

Notice is further given that any interested person not later than January 3, 1983 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549, and

should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34278 Filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12882; 812-5305]

Paine Webber RMA Money Fund, Inc.; Application

December 8, 1982.

In the matter of Paine Webber RMA Money Fund, Inc.; 140 Broadway, New York, N.Y. 10005, (812-5305), filing of application.

Notice is hereby given that Paine Webber RMA Money Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on September 3, 1982, and amendments thereto on November 19 and December 2, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit the Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act for the complete text of those provisions thereof for which an exemption is being sought.

The application states that Applicant's shares will be offered only to customers of the Paine Webber Resource Management Account Program ("RMA"), an integrated financial services programs. Applicant's investment objective is to provide investors with the maximum current

income consistent with liquidity and preservation of capital. Applicant states in the application that it provides the opportunity for RMA customers to invest in one of two series, each of which is a professionally managed, diversified portfolio of short-term, high quality obligations, and further that it has authority to create and offer shares in additional portfolios from time to time in the future. The Money Market Portfolio will invest in U.S. Government securities; obligations of U.S. banks, including certificates of deposit and bankers' acceptances; commercial paper, including variable rate master notes; and repurchase agreements on such instruments with financial institutions believed by Applicant's board of directors to present minimal credit risks. The U.S. Government Portfolio will invest in government securities which are issued or guaranteed by the U.S. Government, various agencies and instrumentalities of the U.S. Government, certain interests in the foregoing, and repurchase agreements on such U.S. Government securities with financial institutions believed by Applicant's board of directors to present minimal credit risks.

Applicant further states that both portfolios may purchase variable rate securities with maturities in excess of one year, which are guaranteed by the full faith and credit of the U.S. Government. Applicant states that the yields on such securities are adjusted at least semi-annually, in relation to specific money market rates, which is expected to substantially reduce the wide fluctuation possible in the market value of long-term securities. Applicant also states that both portfolios may enter into reverse repurchase agreements with banks.

The application states that investments by the Applicant will be limited to obligations with remaining maturities of one year or less. It is further stated that Applicant will maintain a dollar-weighted average portfolio maturity of 120 days or less. For these purposes, the maturities of variable rate obligations will be determined in accordance with the procedures set forth in proposed Rule 2a-7, or if the rule should ultimately be adopted, in accordance with the procedures set forth in the rule as adopted.

Applicant states that each of its portfolios intends to declare as dividends payable on each business day all of its net investment income to shareholders of record as of 12:00 noon New York time of the preceding business day. Net investment income

will consist of the interest income earned on the Applicants investment's (adjusted for amortization of original issue or market discounts or premiums), less estimated expenses, plus or minus any gains or losses realized upon the sale of any portfolio securities. Dividends are automatically reinvested at net asset value in additional shares. Applicant states that its net asset value per share, the price at which shares are issued and redeemed, will be computed by dividing the value of the Applicant's total assets, less its liabilities, by the total number of shares outstanding. Net asset value of the Applicant will be determined every business day at 12:00 noon, New York City time.

The application states that the Commission expressed the view that, among other things, it would be inconsistent with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis and that the valuation of such securities by such a fund should be made with reference to market factors (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that it understands that to attract investors to a short term money market investment vehicle, it must have a stable capital value and a constant and steady flow of investment income. Applicant states that it believes, in order to attract such investors and retain them as shareholders, the Applicant must have a stable net asset value per share and must be able to pay dividends that do not fluctuate as a consequence of changes in the values of its portfolio securities. Applicant asserts that by investing in high quality, short-term money market obligations and valuing such securities on the basis of their amortized cost, the Applicant will benefit such investors by providing an investment vehicle less subject to fluctuation than under alternative procedures whereby its daily dividend would be adjusted by all realized and

unrealized gains and losses on its portfolio securities. Management of the Applicant believes that, with respect to a portfolio of money market obligations with a dollar-weighted average maturity of 120 days or less, the discrepancy between market value and amortized cost is negligible. Applicant also states that a number of money market funds with which applicant will be in direct competition now effect sales, redemptions and repurchases of their shares at prices calculated using the amortized cost method of valuation. Applicant states that its board of directors has determined in good faith that in light of the characteristics of the Applicant, absent unusual or extraordinary circumstances, the amortized cost method of calculating the net asset value per share of the Applicant is appropriate and in the best interests of shareholders of the Applicant and reflects fair value of such securities.

Accordingly, Applicant submits that the standards of fairness expressed in of Section 6(c) of the Act are consistent with granting the requested exemption. Applicant agrees, as a condition to the granting of the exemption for each portfolio of Applicant, that the following may be made conditions of the order applicable to each of its present portfolios as well as any portfolios created in the future.

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Applicant's \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may

(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds $\frac{1}{2}$ of 1 percent, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; reducing or withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which its board of directors determines

include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. If any action pursuant to condition 2(c) was taken during the preceding calendar quarter, the Applicant will file, as an attachment to Form N-1Q, a statement which describes the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 3, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34274 Filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12864; 812-5065]

T. Rowe Price New Horizons Fund, Inc., et al.; Application

In the matter of; T. Rowe Price New Horizons Fund, Inc., 100 East Pratt Street, Baltimore, MD 21202; Hambrecht & Quist, 235 Montgomery Street, San Francisco, California 94104; (812-5065); filing of application.

December 1, 1982.

T. Rowe Price New Horizons Fund, Inc. (the "Fund"), registered under the Investment Company Act of 1940 ("Act"), and Hambrecht & Quist, a

California limited partnership organized as a broker-dealer under the Securities Exchange Act of 1934, (together, "Applicants") have filed an application and amendments thereto for an order of the Commission pursuant to Section 17(b) of the Act exempting the Fund from the provisions of Section 17(a) of the Act to the extent necessary to enable the Fund to effect principal transactions with Hambrecht & Quist, and pursuant to Section 10(f) of the Act exempting the Fund from that section to the extent necessary to enable it to purchase securities from Hambrecht & Quist in underwritings to the extent set forth in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund is a Maryland corporation. The investment objective of the Fund is long-term growth of capital through investment primarily in the securities of small growth companies which management believes have the potential to become major companies in the future. Hambrecht & Quist is particularly noted for its interest in and its relationship to such companies, and it is both a market maker and underwriter for their securities. In the years 1979, 1980 and 1981, Hambrecht & Quist participated as manager in initial public offerings of an aggregate of 73 companies, including 38 that were at one time or from time to time held by the Fund, and in those years it participated as syndicate member in initial public offerings of 38 companies, including 10 that were at one time or from time to time held by the Fund. In the opinion of T. Rowe Price Associates, Inc. ("Price Associates"), the investment adviser to the Fund, Hambrecht & Quist is one of the most knowledgeable firms in the United States in terms of its ability to find and evaluate small, high technology companies of the type that might be suitable for investment by the Fund, and it is an important source of information with respect to the securities of such companies.

Applicants state that Paul M. Wythes, a director of the Fund, is a limited partner of Hambrecht & Quist. Mr. Wythes' interest in the profits and losses of Hambrecht & Quist is less than 1%, and his income from other sources constitutes the major portion of his total income. Applicants state that for the year 1980, Mr. Wythes' share of the profits of Hambrecht & Quist was less than 15 percent of his total income. The Commission has issued an order declaring that Mr. Wythes shall not be

considered an "interested person" of the Fund or of Price Associates by reason of his status as a limited partner of Hambrecht & Quist (Investment Company Act Release No. 11487 (December 11, 1980)).

Applicants state that because Mr. Wythes is a director of the Fund, as well as a limited partner of Hambrecht & Quist, Hambrecht & Quist is an affiliate of an affiliate of the Fund for purposes of the Act and, accordingly, the Fund is precluded from effecting principal transactions with Hambrecht & Quist by virtue of Section 17(a) of the Act and from purchasing securities from Hambrecht & Quist in an underwriting by virtue of Section 10(f) of the Act.

The Fund states that decisions with respect to the purchase and sale of portfolio securities on behalf of the Fund are made by officers of the fund pursuant to recommendations of Price Associates. All of such officers are also officers of Price Associates. The board of directors of the Fund does not participate in the allocation of the Fund's brokerage, but reviews such allocations on the basis of quarterly and other periodic reports furnished to it by Price Associates. In the years 1981, 1980 and 1979, the Fund paid brokerage commissions (including discounts received by securities dealers in connection with underwritings) amounting to \$1,511,701, \$1,418,803 and \$703,601, respectively, of which Hambrecht & Quist received from the Fund brokerage commissions, including underwriting discounts, of \$28,430, \$33,027 and \$17,296, respectively. All transactions with Hambrecht & Quist after April 23, 1981 (the date Mr. Wythes was first elected to the board of directors of the Fund) have been on an agency basis.

Applicants state that Price Associates has advised the Fund that in many instances Hambrecht & Quist provides the best market in which the Fund can accumulate or dispose of positions in the size appropriate to the Fund. Applicants further state that Price Associates has also advised the Fund that it recognizes that there may be situations in which another dealer may offer a better price in any particular case (e.g., where it has a buyer or seller for a block), but in the opinion of Price Associates Hambrecht & Quist has been, and is expected to continue to be, able to effect many security transactions at prices and in quantities more favorable than those available through other brokers. Therefore, Applicants assert, to preclude trading with Hambrecht & Quist is to deprive the Fund of the opportunity to get the best prices in

many cases. Applicants state that they recognize these difficulties would not exist if the Fund dealt with Hambrecht & Quist on an agency basis, as it may lawfully do. They further state, however, that this is not a realistic option because the market for the types of stock in which the Fund trades is typically over-the-counter, where principal transactions dominate the market; of 136 stocks held in the Fund's portfolio on June 7, 1982, 70 were only traded over the counter. As a result, in the opinion of Price Associates, agency transactions are not a meaningful or realistic alternative in a majority of the Fund's portfolio transactions.

Section 17(b) of the Act provides that the Commission, upon application, may exempt transactions from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transactions are consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Applicants represent that, in order to comply with Section 17(b) of the Act, the board of directors of the Fund proposes to adopt written procedures designed to insure that principal transactions with Hambrecht & Quist are consistent with the investment objectives and policies of the Fund, are effected on a basis which is fair and reasonable to the Fund and do not involve overreaching by Hambrecht & Quist which would disadvantage the Fund in relation to other potential buyers and sellers from Hambrecht & Quist. Applicants further represent that these procedures would include the review by the Fund's board of directors of such transactions with Hambrecht & Quist no less frequently than quarterly, and that records of such transactions would be maintained in the files of the Fund for not less than six years. Applicants represent that in order to facilitate such reviews, Price Associates would furnish the Fund's board of directors with information relating to such transactions, including, but not limited to, the reasons for the selection of Hambrecht & Quist, the purchase or sale price involved, the market price on the day before and the day after such transaction as reported on the National Association of Securities Dealers Automated Quotations System, and other information deemed necessary by the board of directors for the purpose of its evaluation. Applicants state that the Fund believes that these safeguards will

provide the necessary mechanism to ensure that such transactions are fair and reasonable to the Fund and do not involve overreaching, and that such transactions comply with Section 17(b) of the Act.

The Applicants state that the application of Section 10(f) works to the disadvantage of the Fund in a number of ways. First, insofar as Hambrecht & Quist typically takes down the largest share of most underwritings which it manages, in many cases the Fund is prevented from dealing with the largest source of the particular securities it desires to purchase. Moreover, Applicants state that because of Hambrecht & Quist's standing and reputation, the securities in an offering managed by Hambrecht & Quist are usually enthusiastically received by the public (so that the offering qualifies as a "hot issue" within the Rules of the National Association of Securities Dealers, Inc.), with the result that not only is the Fund prevented from dealing with the primary source (*i.e.*, Hambrecht & Quist), but is competing with public customers for the residual supply in the hands of smaller firms. Thus, Applicants state, in many cases the Fund may find itself in the position of being able to acquire a smaller position than it would otherwise prefer, unless it is willing to go into the potentially higher-priced aftermarket.

Applicants state that the final sentence of Section 10(f) provides, in effect, that the Commission may by order upon application conditionally or unconditionally exempt any transaction or class of transactions from any of the provisions of Section 10(f), if and to the extent such exemption is consistent with the protection of investors. The Fund is seeking an order exempting it from the provisions of Section 10(f) which would otherwise prohibit it from purchasing securities from Hambrecht & Quist in underwritings. Applicants represent that the Fund will comply with all provisions of Rule 10f-3 except, to the extent necessary to effectuate the transactions described above, paragraph (f) thereof.

The Fund states that its board of directors, having considered all of the facts cited in the application, has concluded that it is not in the interest of the shareholders of the Fund that it be precluded from dealing with Hambrecht & Quist in principal and underwriting transactions. The Fund states that its board of directors has also concluded that, if and to the extent there is any potential for abuse in such transactions, that potential is minimized or eliminated by the role of the non-interested directors of the Fund in the periodic

review of portfolio transactions of the Fund. The Fund states that its board of directors also notes that, as provided in the Fund's representations in connection with the prior order of the Commission with respect to Mr. Wythes, Mr. Wythes does not vote on any matters relating to the allocation of portfolio brokerage by the Fund to Hambrecht & Quist, or the selection of brokers or dealers with which the Fund effects portfolio transactions as agent or principal (including but not limited to transactions as to which Sections 17(a) or 10(f) of the Act on Rules 17e-1 or 10f-3 thereunder apply). Moreover, Applicants represent that if the relief requested herein is granted, Mr. Wythes will not participate in any reviews by the board of directors of any principal transactions with Hambrecht & Quist or of any purchase from Hambrecht & Quist in underwritings.

According to the application, in considering these matters the board of directors of the Fund has noted that if Hambrecht & Quist were a corporation, the interest of Mr. Wythes in its profits and losses would be less than the minimum amount necessary to constitute him an affiliated person of that firm under the definition of affiliate in Section 2(a)(3) of the Act, and in that event, *a fortiori*, Hambrecht & Quist would not be an affiliate of an affiliate of the Fund and the problems giving rise to the filing of this application would not exist. Moreover, in the opinion of the Applicants, because a limited partnership interest is a non-voting one, a person whose sole relationship to the broker-dealer is a limited partnership interest of less than 1%, is necessarily further removed from management than he would be if he held voting stock of a corporation and was in a position to participate in the selection of management. Applicants state that, as a limited partner, Mr. Wythes does not participate in the management or operation of Hambrecht & Quist and, indeed, is precluded from such involvement. Since Mr. Wythes would not be deemed to be an interested person of Hambrecht & Quist if he held voting stock with commensurate participation in profits and losses, the board of directors of the Fund states that it has concluded that Mr. Wythes' relationship to Hambrecht & Quist is not the type of relationship intended to bring into play the restrictions of Sections 17(a) or 10(f). Moreover, Applicants state, if the relief sought by the application is granted, Mr. Wythes' benefit in the resulting business relationship between the Fund and Hambrecht & Quist by virtue of his

limited partnership interest in Hambrecht & Quist will be minimal; the Fund does not believe that Mr. Wythes' ability to serve the Fund independently and in the interests of the Fund's shareholders will be impaired.

Applicants also request that the relief sought be extended to other investment companies for which Price Associates acts as investment adviser ("Price Funds") for which Mr. Wythes may, from time to time, serve as director. Applicants state that Mr. Wythes does not currently serve as director of any other Price Funds, but it is conceivable that he may be asked to serve on the board of one or more of the Price Funds in the future. Applicants represent that they understand that the relief requested with respect to possible future transactions between the Price Funds and Hambrecht & Quist will apply to the other Price Funds for which Mr. Wythes may serve as director only if (a) the de minimis nature and extent of the relationship between Mr. Wythes and Hambrecht & Quist remains in effect as described in the application (e.g. a less than one percent limited partnership interest), and (b) any of the Price Funds for which Mr. Wythes may serve as a director complies with all the conditions and representations set forth in the instant application and the order issued by the Commission thereon.

Notice is hereby given that any interested person may, not later than December 27, 1982, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or such person may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34282 Filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12881; 812-5339]

Territorial Government Fund; Application

December 8, 1982.

In the matter of: The Territorial Government Fund; 421 Seventh Avenue; Pittsburgh, PA 15219; (812-5339); Filing of Application.

Notice is hereby given that The Territorial Government Fund ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on October 14, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts Business Trust and that Cash Management Services, Inc., a wholly-owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that its investment objective is to seek current income consistent with stability of principal and that it may invest in the United States Government obligations (whether or not subject to repurchase agreements); further, Applicant states that it may invest up to 20% of its assets in short term instruments of banks and savings and loan associations insured, to the extent of the principal amount, by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, all maturing in one year or less.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate

in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that experience indicates that in order to attract investors two features are necessary in a "money market" fund: (1) Stability of principal, and (2) steady flow of investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term "money market" instruments valued at amortized cost it can provide these features to investors. Applicant represents that its board of trustees has properly determined in good faith that, in light of the characteristics of Applicant, the amortized cost method of valuation of portfolio instruments is appropriate and preferable for the Applicant, reflects fair value of such instruments, and is in the best interest of Applicant's shareholders.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment adviser, the board of trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to by appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

will promptly consider what action, if any, should be initiated.

(c) Where the board of trustees believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as a reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of its meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of

comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant submits that the granting of the requested exemptions is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 3, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34276 Filed 12-16-82; 8:45 am]
BILLING CODE 8010-01-M

[File No. 1-7837]

Verex Corp.; Application To Withdraw From Listing and Registration

December 10, 1982.

In the matter of; Verex Corp.; 4% Convertible Subordinated Debentures (due 9-1-92); File No. 1-7837; Securities Exchange Act of 1934, Section 12(d).

The above named issuer has filed an application with the Securities and

Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Verex Corporation ("Company") has determined to remove its debentures from listing and registration on the NYSE because as of January 1, 1981, the average monthly trading volume has been low and trading has been sporadic. In addition, as of October 1, 1982, there was \$5,998,000 of the debentures outstanding and held by approximately 265 holders of record. In this regard, the Company believes that the cost and expenses of continued listing on the NYSE is not justified. The NYSE has no objection to the delisting.

Any interested person may, on or before January 4, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34281 Filed 12-16-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 19312; File No. ODD-82-3]

Philadelphia Stock Exchange, Inc.; Listed Options on Foreign Currencies

December 8, 1982.

In the matter of; Philadelphia Stock Exchange, Inc.; 1900 Market Street, Philadelphia, PA 19103, File No. ODD-82-3, Listed Options on Foreign Currencies.

On October 4, 1982, the Philadelphia Stock Exchange, Inc. ("Phlx"), pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options disclosure document with respect to standardized

options on foreign currencies ("Foreign Currency Options Disclosure Document"). On November 5, 1982, Phlx filed a revised Foreign Currency Options Disclosure Document with the Commission. The Foreign Currency Options Disclosure Document is a supplement to the basic options disclosure document, which was prepared by the American Stock Exchange, Inc. ("Amex"), Chicago Board Options Exchange, Incorporated ("CBOE"), the Pacific Stock Exchange, Incorporated ("PSE") and the Phlx. On October 18, 1982, the Commission issued an order allowing distribution of the basic options disclosure document to investors.¹

Rule 9b-1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors. This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Foreign Currency Options Disclosure Document and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the disclosure document as of the date of this order.²

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34277 Filed 12-16-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19317; File No. SR-Amex-82-11]

American Stock Exchange, Inc.; Self-Regulatory Organization

Proposed Rule Change by: American Stock Exchange, Inc.; relating to membership rule amendments;

¹ See Securities Exchange Act Release No. 19153.

² Rule 9b-1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S-20 under the Securities Act of 1933. In this regard, on December 8, 1982, the Commission, pursuant to delegated authority, declared effective Options Clearing Corporation's Form S-20 registration statement with respect to the options described in the Foreign Currency Options Disclosure Document. See File No. 2-79558.

comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 3, 1982, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing certain Constitutional and rule amendments relating to minimum compensation for ABC seaholders (Rule 319), outside business activities (Rule 342(b)), salaried market employees (Article IV, Section 3(a)), and the Gratuity Fund (Article IX, Section 6).

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

(a) *Purpose.* The Exchange is proposing a number of Constitutional and rule amendments relating to membership matters as part of its program to ensure that the Exchange's rules remain up to date, and that where appropriate, they conform to similar rules in effect at the New York Stock Exchange. Each of the proposed changes is reviewed separately below.

Minimum Compensation for ABC Seaholders. Amex Rule 319 requires that a member organization guarantee a regular member ABC seaholder associated with the firm at least \$16,000 a year in salary and/or participation in profits and provides that the member may be charged with his share of losses or be guaranteed against loss. When the

rule was originally adopted in 1967, it was intended to maintain the status of regular memberships by providing a minimum salary. Rule amendments have gradually removed similar outdated requirements as the Exchange has sought to leave such business determinations to the discretion of individual member organizations.

It is proposed that Rule 319 now be rescinded. The New York Stock Exchange has recently deleted its comparable rule (Rule 314).

Outside Business Activities. Amex Rule 342(b) requires that persons associated with member organizations obtain the member organization's prior written consent with respect to all outside business activities and interests in which they are involved. The provision is intended to insure that such activities and interests do not create conflicts of interest and/or potential organizational liabilities or affect the supervisory capabilities of member firms.

Currently, oral requests for member firm approval are permitted under the rule. However, requiring that the request be made in writing would enhance a firm's ability to study the specifics of a particular request and facilitate recordkeeping of such requests. It is therefore proposed that Paragraph (b) of the rule be amended to require written requests for member firm approval. An additional non-substantive amendment is proposed to Paragraph (e) of the rule regarding association with persons subject to statutory disqualifications to clarify the intent of the provision.

The amendments conform the rule to recent amendments to the comparable New York Stock Exchange rule (Rule 346).

Salaried Market Employees. Article IV, Section 3(a) of the Constitution provides that the Exchange may permit a regular member elected to membership prior to June 1, 1923 to designate in his absence a representative, known as a salaried market employee, to execute orders on the Floor for the account of the regular member or his member organization. This privilege has not been exercised since the 1940s, and with the death last year of the last regular member eligible to exercise the privilege, it is proposed that the provision be rescinded. Conforming amendments are proposed to Rule 14 and Rule 181.

Gratuity Fund Beneficiaries. Article IX, Section 6 of the Constitution sets forth the beneficiaries of the Gratuity Fund benefit, which includes the "widow" of a deceased member. Since there are now many women members of

the Exchange, it is proposed that Section 6 be amended to substitute the phrase "surviving spouse" wherever reference is made to the term "widow". This amendment is purely technical in nature and in no way alters any rights with respect to the Gratuity Fund.

(b) *Basis.* The proposed amendments are consistent with Section 6(b) of the Exchange Act in general, being designed to ensure that the Exchange's rules remain up to date, and that where appropriate, they conform to similar rules in effect at the New York Stock Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section

450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 9, 1982.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34279 Filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19316; SR-Amex-82-16]

American Stock Exchange, Inc.; Proposed Rule Change

December 9, 1982.

In the matter of; American Stock Exchange, Inc.; 86 Trinity Place, New York, N.Y. 10006; (SR-Amex-82-16); order approving proposed rule change.

On October 18, 1982, the American Stock Exchange, Inc. ("Amex") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder to amend Amex Rule 300 to provide the capital contribution of any partner of an Amex member firm cannot be withdrawn sooner than twelve months after it is made. Under present Rule 300(b), only a member firm subject to Amex Rule 470 (relating to capital requirements for members and member organizations) is prohibited from withdrawing its capital contribution prior to twelve months from the date the contribution is contributed. Under the proposed rule change, Rule 300 would encompass all Amex partnerships, not only those subject to Rule 470.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-19189, October 28, 1982) and by publication in the *Federal Register* (47 FR 50151, November 4, 1982). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-34283 filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19313; File No. SR-Phlx-81-4]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change

December 8, 1982.

In the matter of; Philadelphia Stock Exchange, Inc.; 1900 Market Street, Philadelphia, PA 19103; File No. SR-Phlx-81-4; amendment and order approving proposed rule change.

I. *Introduction.* Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Commission proposed rule changes to authorize the listing and trading of standardized put and call options contracts on foreign currencies ("Foreign Currency Options").¹ Included as part of those rules were provisions governing customer margin requirements applicable to Foreign Currency Options. The proposed rule changes, with the exception of those portions concerning margin, have been approved by the Commission.² The margin rules proposed by the Phlx were not approved at that time because of the absence of necessary volatility information for foreign currencies underlying the proposed options contracts and the absence of a provision specifying the time period within which margin would have to be posted. Phlx subsequently provided the staff with the needed volatility information and filed an

¹Phlx's proposal was originally filed on February 28, 1981 and amendments were filed on March 2, 1982 and May 28, 1982. Notices of the proposed rule change and amendments were given by the Commission in Securities Exchange Act Release Nos. 17666 (March 27, 1981) and 18825 (June 21, 1982) and by publication in the *Federal Register* (46 FR 20348 (April 3, 1981) and 47 FR 27652 (June 25, 1982), respectively). See File No. SR-Phlx-81-4. Phlx subsequently filed two additional amendments regarding its margin formula: a proposal to establish a seven-day posting rule (Amendment No. 4) (see note 3, *infra*) and a proposal to delete all provisions that would authorize use of letters of credit as "cover" in lieu of margin (Amendment No. 5). Interested persons are invited to submit written data, views and arguments concerning Amendment No. 5 within 21 days from the date of publication of this notice in the *Federal Register*.

²See Securities Exchange Release No. 19133 (October 14, 1982) 47 FR 46946 (October 21, 1982).

amendment setting forth a seven day posting requirement.³

II. Terms of the Proposed Rule Changes. The amended proposed rule change as it relates to margin for Foreign Currency Options is similar to other margin provisions for new options products. With respect to long positions in Foreign Currency Options, current exchange rules applicable to options on equity securities are unaltered. Specifically, no put or call option carried in a customer account is permitted to have loan value for the purpose of calculating margin; therefore, the options premium or purchase price must be paid in full.⁴

The proposed rules provide that, with respect to exchange-traded options on foreign currency issued, guaranteed or carried short in a customer's account, the minimum margin would be 130 percent of the current market value of the option, plus \$750, minus the amount, if any, that the options contract is "out-of-the-money".⁵ The proposed formula is subject to a minimum margin of 130 percent of the premium plus \$250; maximum margin would be set at 130 percent of the option premium plus \$2,500.⁶

An exemption from the foregoing margin requirements would be provided for short positions that are fully covered and reduced margins would apply to partially covered positions. Phlx has proposed that options writing be permitted on an unmarginated basis when certain forms of "cover" exist (e.g., transferring the requisite units of foreign currency to a bank account designated by the broker,

³ The amendment was filed on November 10, 1982, and notice was given by Securities Exchange Act Release No. 19248 (November 17, 1982) and by publication in the Federal Register 47 FR 53554 (November 26, 1982). See File No. SR-Phlx-81-4 (Amendment No. 4).

⁴ Phlx Rule 722(d) 2.

⁵ See Phlx Rule 722(d)2(B)(iii). A call options contract is "out-of-the-money" to the extent that the exercise price of the option exceeds the current spot market price of the underlying foreign currency. A put option is "out-of-the-money" to the extent that current spot market price of the underlying foreign currency exceeds the exercise price of the option.

⁶ *Id.* Phlx members could, of course, require larger margin deposits than required by Phlx's proposed rule. In addition, Phlx itself could increase its Foreign Currency Options margin requirements from time to time. See Proposed Rule 722(d)2(K).

The New York Stock Exchange, Inc. ("NYSE") has stated that, until April 1, 1983, it will not institute enforcement proceedings with regard to its Rule 431(d)(2), which imposes a margin maintenance requirement for uncovered short positions in exchange-traded puts and calls of at least 30 percent, provided NYSE members and member organizations adhere to the margin requirements established by Phlx Rule 722 for Foreign Currency Options. See NYSE Information Memo No. 82-62 (December 8, 1982).

so that a type of "depository receipt" could be given to the Options Clearing Corporation ("OCC"); furnishing of an "escrow receipt" to the broker certifying that a custodian is holding the underlying foreign currency and will deliver it to OCC against payment of the aggregate exercise price; or furnishing an "option guarantee letter" guaranteeing delivery of the foreign currency to the broker).⁷

Phlx also is proposing to extend its current margin requirements for spread and straddle stock option positions to spreads and straddles on Foreign Currency Options. In the case of Foreign Currency Option spreads, Phlx is proposing that customers be required to post margin equal to the lesser of: (a) the margin required for the short position, or (b) the amount by which the exercise price of the long call (or short put) exceeds the exercise price of the short call (or long put).⁸ In the case of Foreign Currency Options straddles, Phlx is proposing that customers be required to post margin equal to: (a) the margin required for the put or the call, whichever is greater, plus (b) any unrealized loss on the other options position.⁹

Finally, Phlx proposal sets forth the period of time within which margin payments must be made by Foreign Currency Options customers.¹⁰ In this regard, Phlx has determined to incorporate the seven business day posting rule utilized in Regulation T and in effect for other securities options (as well as all other marginable securities)

⁷ See proposed Rule 722(d)2(H). These three methods of "cover" are predicated on the deposit of the underlying foreign currency and accordingly are analogous to the methods of cover available to writers of call options on stock. A fourth method of cover, furnishing an irrevocable letter of credit to pay to the member broker the requisite units of foreign currency, also was previously proposed by the Exchange. Phlx subsequently filed an amendment, however, deleting from its proposed rules for the time being any references to this possible form of cover. See File No. SR-Phlx-81-4 (Amendment No. 5).

⁸ See proposed Rule 722(d)2(F). Phlx had originally proposed that the short side of spread positions be fully margined during the last two business days prior to expiration to guard against the possibility that a substantial adverse price movement might occur subsequent to expiration of the spreader's long position but prior to assignment of an exercise notice for the short position. Phlx's amended proposal deleted this margin requirement on the basis that it was "unnecessary" to "codify" this "precautionary measure."

⁹ See proposed Rule 722(d)2(E).

¹⁰ The rules of the exchanges setting forth margin requirements on other kinds of options do not contain provisions establishing margin posting periods. Rather, the posting of margin for other options is governed by the provisions of Regulation T. Because of questions regarding the applicability of Regulation T, as currently formulated, to Foreign Currency Options, it was determined that for clarity a posting period should be included in Phlx's rules.

and has submitted an amendment to the proposed rule change to establish a seven business day posting requirement.¹¹

III. Discussion. Section 7 of the Act authorizes the Federal Reserve Board ("FRB") to prescribe rules and regulations with respect to the amount of credit that may initially be extended and subsequently maintained on any security (other than an exempted security). Pursuant to that grant of authority, the FRB has adopted Regulation T, which includes provisions establishing margin requirements for options on securities. While foreign currency in not a "security," options on foreign currencies traded on a national securities exchange are securities under the Act. At this time, however, the FRB has not promulgated rules under Regulation T expressly applicable to options on foreign currency.¹² Therefore, margin regulation on Foreign Currency Options currently is vested with the self-regulatory organizations subject to Commission oversight.¹³

The Commission has carefully examined the margin rules submitted by the Phlx. The extension to options on foreign currency of the prohibition against long options positions having loan value in a margin account is fully consistent with the original application of the prohibition to options on equity securities. In particular, because an options represents a contractual right of limited duration, an options contract constitutes a wasting asset whose value diminishes as the expiration date approaches. In addition, because of the leverage involved, the prices of options, and therefore their intrinsic values, are subject to significant volatility. These features, which dictated a proscription against the purchase of equity options on margin as well as rendered such

¹¹ See note 3, *supra*. Phlx also has provided empirical information concerning the historical level of protection its margin formula would provide over that period of time. See note 15, *infra*.

¹² See Regulation T, 12 CFR 220.8. To the extent that the FRB might determine to regulate foreign currency options margin, the Phlx has requested the FRB to accord the same treatment to options on foreign currency that the FRB has accorded options on exempt securities (*i.e.*, initial margin requirements and the specification of appropriate cover for options would be determined by the rules of the exchange, provided those rules were approved by the Commission). See letter from Nicholas A. Giordano, President, Phlx, to Robert S. Plotkin, Assistant Director, FRB, dated August 18, 1982. The staff of the FRB has indicated that Foreign Currency Options can be written utilizing the Phlx's proposed margin provisions, provided they have been approved by the Commission. See letter from Laura Homer, Securities Credit Officer, FRB, to Richard Ketchum, Associate Director SEC, dated December 7, 1982.

¹³ *Id.* See also 12 CFR 220.8(j)(2).

options unsuitable as collateral for the purchase of other securities, are equally applicable to options on foreign currency.

For margin on uncovered short positions, the Phlx has developed a formula which it believes will yield margin deposits providing adequate credit protection for member firms. The exchange has reached this conclusion by comparing the margin levels calculated pursuant to the proposed formula with the historic volatility of the various underlying foreign currencies over seven day periods.¹⁴ While, in some cases, the proposed margin formula yields an amount that covers less than 100 percent of the historic seven day price movements examined by the exchange,¹⁵ the exchange has contended that the formula nevertheless is appropriate. In particular, the exchange believes that a formula designed to produce margin levels sufficient to cover 100 percent of historic price movements is both excessive and unnecessary. In support of this contention, the exchange indicates that in periods of significant price volatility, member firms can, and in fact would, require that margin deficiencies be eliminated in periods of less than seven days,¹⁶ and in response to a customer's failure to do so, can liquidate the customer's options position. Moreover, the exchange points to existing margin rules or currently proposed modifications to its margin rules that would enable the exchange at any time to impose higher margin requirements than are prescribed by its rules when it

deems that higher margin requirements would be appropriate.¹⁷

In light of these considerations, the Commission believes that the proposed margin formula for uncovered short positions is appropriate. Given the degree of financial leverage made possible by the proposed margin formula, however, the Commission remains concerned that unsophisticated and under-capitalized investors should not be subjected to unreasonable risks of loss through transactions in Foreign Currency Options. In this regard, the Commission wishes to emphasize to both the exchange and its member firms the need for rigorous application of exchange rules governing opening of accounts¹⁸ and suitability¹⁹ to ensure that market participants understand and are financially able to bear the risks of Foreign Currency Options trading.²⁰

IV. Findings and Conclusion. Under Section 19(b)(2) of the Act, the Commission must approve a proposed rule change if it determines that it is consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. Among other things, the Commission must find that a proposed rule is designed to protect investors and the public interest and does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

On the basis of the foregoing discussion, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, with the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change as amended be, and it hereby is, approved.²¹

¹⁴ See note 6, *supra*.

¹⁵ Phlx Rule 1024(b).

¹⁶ Phlx Rule 1026.

¹⁷ The proposed modifications to exchange rules with respect to the margining of spreads and straddle positions in Foreign Currency Options generally consist of changes necessary to extend existing equity options rules to Foreign Currency Options.

¹⁸ Since Amendment No. 4 (concerning the seven day margin posting period) is for clarification and would merely extend to Foreign Currency Options the same posting requirements applicable to all other securities, the Commission finds that additional notice is unnecessary. Accordingly, the Commission finds good cause for approving that proposal prior to the thirtieth day after notice of publication thereof.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary

[FD Doc. 82-34275 Filed 12-16-82; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

December 10, 1982.

In the matter of application of the Pacific Stock Exchange, Inc.; for unlisted trading privileges in certain securities.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Xonics, Incorporated
Common Stock, \$.10 Par Value

This security has been removed from listing and registration on the Pacific Stock Exchange, Incorporated ("PSE") pursuant to the issuer's delisting application which became effective November 30, 1982. The security is currently traded over-the-counter. While this security is not included in the consolidated transaction and quotation reporting system, the PSE has indicated in its application that last sale and quotation information for the security would be provided by the exchange to vendors of securities information and would be available on the PSE floor. In addition, the PSE has stated in its application that it would exempt such security from any applicable off-board trading restrictions.

Interested persons are invited to submit on or before January 4, 1983, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. In order to approve the application, the Commission must find, after notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors. In considering an application for the extension of unlisted

¹⁴ Seven days is the maximum period of time permitted a customer under Phlx's proposed rules to satisfy a deficiency in a margin account. Member firms, of course, are free to prescribe a shorter period of time.

¹⁵ Statistics provided by the exchange indicate that, during the twelve month period from October 1981 through September 1982, the volatility rate of daily spot prices for the Swiss franc, the most volatile currency on which Phlx proposes to trade options, was 0.86 percent (*i.e.*, a change of less than one percent per day relative to the U.S. dollar). Using that volatility rate, the minimum margin requirement for out-of-the-money Swiss franc options would be insufficient one out of every eight or nine days (or stated conversely, margin protection for about 90 percent of all seven day spot market price movements would be provided by the formula). The volatility rate for the other currencies were: Japanese yen—.78; deutsche mark—.67; British pound—.65; and Canadian dollar—.34. Because volatilities may change over time, the Phlx intends to monitor closely the volatility of each currency upon which options are traded; if necessary, Phlx. can increase the margin requirement. Phlx has established a Foreign Currency Options Margin Subcommittee for this purpose. See Phlx Rule 722, commentary .02 (Amendment No. 4).

¹⁶ See note 14, *supra*.

trading privileges to the security not listed and registered on a national securities exchange, the Commission shall, among other matters, take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-34280 Filed 12-16-82; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting Requirement Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before January 17, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

COPIES: Copies of the proposed form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20418, Telephone: (202) 653-8538.

OMB reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Title: Small Business Institute

Evaluation Questionnaire

Form No.: SBA 24

Frequency: Nonrecurring

Description of Respondents: Clients receiving management assistance from SBA's Small Business Institutes

Annual Responses: 1,000

Annual Burden Hours: 500.

Type of Request: Extension (Burden Adjustment)

Dated: December 14, 1982.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 82-34331 Filed 12-16-82; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 243

Friday, December 17, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, December 16, 1982 at 10 a.m.

CHANGE IN MEETING: The following matters have been added for the open meeting scheduled for this date pursuant to 11 CFR 3.5 (d) (1) and (2) of the Commission's Sunshine Regulations:

Final Repayment Determination and Statement of Reasons for Citizens for LaRouche, Inc.

Agency Operations in the Absence of Appropriations

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1836-82 Filed 12-15-82; 11:27 am]

BILLING CODE 6715-01-M

2

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 9:30 a.m., Wednesday, December 22, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to Regulation L (Management Official Interlocks). (Proposed earlier for public comment; Docket No. R-0430).

2. Proposed technical amendments to Regulation Q (Interest on Deposits) to

conform with actions of the Depository Institutions Deregulation Committee.

Discussion Agenda:

3. Reserve requirement and time deposit definition issues under Regulations D (Reserve Requirements of Depository Institutions) and Q (Interest on Deposits). (Includes issues proposed earlier for public comment; Docket Nos. R-0417 and R-0424).

4. Publication for comment of a proposed book-entry securities fee structure.

5. Proposed amendments to Regulation K (International Banking Operations) regarding bank holding company investment in export trading companies.

6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 15, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1837-82; Filed 12-15-82; 11:50 am]

BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 12 noon, Wednesday, December 22, 1982, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassign a17ments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: December 15, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1838-82 Filed 12-15-82; 11:58 am]

BILLING CODE 6210-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Friday, December 17, 1982 and Week of December 20, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Friday, December 17:*

1:30 p.m.:

Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding (Closed—Exemption 10)

Monday, December 20:

10:00 a.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6)

2:00 p.m.:

Briefing by Regulatory Reform Task Force (Legislative Proposals) (Public Meeting)

Tuesday, December 21:

10:00 a.m.:

Possible Vote on Immediate Effectiveness Issues in TMI-1 Restart Proceeding (Public Meeting)

2:00 p.m.:

Actions in Regard to Indian Point (Public Meeting)

Wednesday, December 22:

10:00 a.m.:

Briefing by Ad Hoc Committee on Regulatory Reform (Public Meeting)

2:00 p.m.:

Discussion of Proposed Safety Goals and Implementation Plan (Public Meeting)

3:30 p.m.: Affirmation/Discussion and Vote (Public Meeting):

- 10 CFR Part 50—General Revision of Appendices G and H (Tent.)
- Indian Point Special Proceeding
- Review of ALAB-691 (Consumers Power Company)
- San Onofre Memorandum and Order re Medical Services

4:00 p.m.:

Actions in Regard to Indian Point (Public Meeting)

ADDITIONAL INFORMATION:

Discussion/Possible Vote on Contested Issues in Fermi Full-Power Proceeding moved from December 17 to December 16.

Briefing on SEP Program—Phase II Results (Tentative) scheduled for December 15, *postponed*.

Discussion of Order in Waste Confidence Proceeding scheduled for December 8, *postponed*. On December 8 the Commission voted 5-0 to hold Discussion of Order in Clinch River, held that day.

On December 9 the Commission voted 4-0 (Commissioner Gilinsky not present) to hold Affirmation of Clinch River Order, held that day. Possible Vote on Immediate Effectiveness Issues in TMI-1 Restart Proceeding scheduled for December 10, *postponed*.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

December 10, 1982.

Walter Magee,
Office of the Secretary.

[S-1834-82 Filed 12-14-82; 4:26 pm]

BILLING CODE 7590-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of December 21, 1982, at 450 5th Street, NW, Washington, D.C.

An open meeting will be held on Tuesday, December 21, 1982, at 10:00 a.m. followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, December 21, 1982, at 10:00 a.m., will be:

1. Consideration of whether to propose for public comment new Form N-1A and certain related guidelines and rule amendments. The new form, which would be used by open-end management investment companies for registration under the Investment Company Act of 1940 and the Securities Act of 1933, would use a simplified prospectus. For further information, please contact Larry L. Greene at (202) 272-7320.

2. Consideration of whether to amend 17 CFR 201.22(e), 230.403(a), 240.12b-12 (a) and (b), 250.22(d), 260.7a-17, 260.7a-18, 270.0-2(b), 270.8b-12 (a) and (b), and 275.0-4(b), which would require the use of paper measuring no larger than 8½ x 11 inches in size for documents filed with the Commission. For further information, please contact Douglas J. Scheidt at (202) 272-2454.

3. Consideration of whether to propose for comment two alternative sets of amendments to its rules for application of the full cost

method of accounting by oil and gas producers. The proposed amendments are intended to clarify the criteria for determining which capitalized costs may be excluded from immediate amortization. They would thereby narrow the diversity of practice resulting from varying interpretations of the Commission's existing rules which permit the exclusion from amortization of "unusually significant" costs of unproved properties and major development projects. The Commission will also consider proposing amendments to clarify its rules on the recognition of gain or loss on sales of oil and gas producing properties. For further information, please contact M. Elizabeth Rader or John W. Albert at (202) 272-2130.

4. Consideration of whether to repropose a revised order exposure rule, Rule 11A-1 under the Securities Exchange Act of 1934, reflecting proposals and comments concerning previously proposed order exposure rules. For further information, please contact Robert Colby at (202) 272-2413.

The subject matter of the closed meeting scheduled for Tuesday, December 21, 1982, following the 10 a.m. open meeting:

Freedom of Information Act appeal.
Settlement of administrative proceeding of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272-2091.

December 14, 1982.

[S-1835-82 Filed 12-15-82; 11:00 am]

BILLING CODE 8010-01-M

Federal Register

Friday
December 17, 1982

Part II

Department of Labor

**Employment Standards Administration,
Wage and Hour Division**

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Iowa:	
IA82-4030	June 18, 1982.
IA82-4048	Oct. 1, 1982.
IA82-4049	Oct. 8, 1982.
Illinois: IL82-2003	
Louisiana: LA82-4053	March 5, 1982.
Louisiana: LA82-4053	
Massachusetts:	
MA81-3054	Sept. 4, 1981.
MA82-3005	April 30, 1982.
MA81-3050	Aug. 28, 1981.
Idaho: ID82-5128	
Washington: WA82-5117	Nov. 26, 1982.
New York: NY81-3018	Aug. 13, 1982.
	March 27, 1981.
Texas:	
TX82-4042	Aug. 20, 1982.
TX82-4046	Oct. 1, 1982.
TX82-4054	Nov. 5, 1982.
Connecticut: CT81-3032	May 15, 1981.

Supersedeas Decisions To General
Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL82-2031 (IL82-2089)	May 7, 1982.
Missouri: MO81-4058 (MO82-4069)	July 24, 1981.
Texas: TX82-4029 (TX82-4065)	June 18, 1982.
Wisconsin: WI82-2043 (WI82-2062)	Aug. 27, 1982.

Special Notice

Inasmuch as Friday December 24 and 31, 1982 falls on Federal holidays, the Davis-Bacon wage determinations will be published the next work days, i.e., Monday, December 27, 1982, and Monday, January 3, 1983, respectively.

Signed at Washington, D.C. this 10th Day of December 1982.

Dorothy P. Come

Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 2

MODIFICATION PAGE 1

DECISION NO. / MOD. # / DATE	DESCRIPTION	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
DECISION NO. IA82-4010 - MOD. #10 (4/7 FR 26537 - 6/18/82)	Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa CHANGE: Bricklayers & stonemason Zone 3 Zone 5 Cement masons - Zone 3 Electricians: Zone 5 Zone 8	\$14.28 13.84 15.54 13.78 14.95 15.68	1.22 .57 .57 1.22 1.80+ 2.70+ 3-3/4%	\$15.43	1.98+ 3-3/4%
DECISION NO. IA82-4048 - MOD. #3 (4/7 FR 43517 - 10/1/82)	Woodbury Co., Iowa CHANGE: Electricians Elevator constructors: Mechanics Helpers Helpers (Prob.)	14.31 708JR 508JR	2.69+a 2.69+a 508JR	15.43 708JR 508JR	2.69+a 2.69+a 508JR
DECISION NO. IA82-4049 - MOD. #3 (4/7 FR 44667 - 10/8/82)	Scott County, Iowa CHANGE: Elevator constructors: Mechanics Helpers Ironworkers Marble, tile & terrazzo workers Plumbers & pipefitters Sheet metal workers	14.28 13.84 14.02 14.52 14.27 15.14 13.78 16.95 15.80 15.56	1.22 .57 .85 .85 1.22 2.50 2.86 2.98	15.43 708JR 508JR 16.45 14.45 16.95 15.80	2.69+a 2.69+a 508JR 2.875 2.10 2.50 2.86
DECISION NO. IA82-2003 - MOD. #5 (4/7 FR 9459 - March 5, 1982)	Adams, Bond, ... Winnebago, & Woodford Cos., Illinois Change: Roofers: Area 1: Area 2: Composition, Slate, Tile, & Waterproofing Kettlemen Area 3 Area 5 Area 6 Area 8 Area 9 Area 10	\$15.13 14.85 12.65 16.67 14.70 16.63 14.25 15.60 12.16	\$9.75 2.05 2.05 1.43 1.96 2.65 .60 2.66 .50	\$15.13	\$9.75
DECISION NO. IA82-4053 - MOD. #4 (4/7 FR 50421 - 11/5/82)	Statewide Louisiana Power Equipment Ops. modified in MOD. #1 dated 11/26/82 on page 53608 should apply to ZONE 1	12.70 12.95 13.45 13.70 13.20 12.45 12.70 13.20 13.45 12.95	2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35	12.70 12.95 13.45 13.70 13.20 12.45 12.70 13.20 13.45 12.95	2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35 2.35
DECISION NO. MA81-3054 - MOD. #7 (4/6 FR 44631 - Sept. 4, 1981)	Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth & Suffolk Counties, Massachusetts CHANGE: ELECTRICIANS: Middlesex (Bedford, Billerica, Boxboro, Burlington, Carlisle, Clarendon, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington) LABORERS (Building) Class I Class II Class III Class IV Class V LABORERS (Heavy & Highway) Class I Class II Class III Class IV PLASTERERS TENDERS PLUMBERS AND STEAMFITTERS: Middlesex (Ashland, Belmont, Concord, Framingham, Holliston, Lexington, Lincoln, Marlboro, Waynard, Natick, Sherborn, Sudboro, Stow, Waltham, Wayland, Weston, Hudson) NORFOLK (Medway, Medfield, Dover, Wellsley)	15.15 12.70 12.95 13.45 13.70 13.20 12.45 12.70 13.20 13.45 12.95	3.53+ 3%	15.15 12.70 12.95 13.45 13.70 13.20 12.45 12.70 13.20 13.45 12.95	3.53+ 3%
DECISION NO. MA82-3005 - MOD. #4 (4/7 FR 18737 - April 30, 1982)	Berkshire, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth & Suffolk Counties, Massachusetts CHANGE: PLUMBERS AND STEAMFITTERS Hampden County; Hampshire County; Berkshire County (Otis, Becket, Sandisfield); Franklin County (Remainder of County) DECISION NO. MA81-3050 - MOD. #4 (4/6 FR 43625 - August 28, 1981) WORCESTER COUNTY, MASS. CHANGE: LABORERS (BUILDING): Laborers, Carpenter Tenders and Wrecking Jackhammer Operators, Pavement Breakers, Asphalt Rakers, Carbide Core Drilling Machine, Chain Saw Operators, Pipelayers, Barcoo-type Jumping Tampers, Laser Beam, Concrete Pump, Masons Tenders, Mortar Mixers, Ride-on Motorized Buggies, and Fence and beam Rail Erectors Air Track, Block Pavers, Rammers and Curb Setters Blasters and Powdermen Pre-Cast Floor and Roof Plank Erectors LABORERS (HEAVY AND HIGH-WAY) Class I Class II Class III Class IV	15.82	3.61+a	15.82	3.61+a

MODIFICATION PAGE 4

DECISION NO. / MOD. #	Area / Description	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX82-4042 - MOD. #2 (47 FR 36522 - 8/20/82) Bowie County, Texas	CHANGE: Boilermakers Ironworkers Power equipment ops.: Group 1 Group 2 Group 3	\$16.60 14.25 7.265 15.17 15.57	2.415 2.36 2.30 2.30 2.30
DECISION NO. TX82-4046 - MOD. #3 (47 FR 43525 - 10/1/82) Jefferson & Orange Cos., Texas	CHANGE: Asbestos Workers: Orange County Boilermakers Carpenters: Carpenters-Commercial Millwrights Pile-drivers Lathers	17.255 16.60 15.72 15.975 15.86 15.72	2.215 2.415 2.065 2.05 2.00 2.065
DECISION NO. TX82-4054 - MOD. #3 (47 FR 50430 - 11/5/82) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	CHANGE: Boilermakers Ironworkers - Zone 1	16.60 15.15	2.415 2.92

MODIFICATION PAGE 3

DECISION NO. / MOD. #	Area / Description	Basic Hourly Rates	Fringe Benefits
DECISION NO. CT91-3032 - MOD. #23 (46 FR 20740 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN.	CHANGE: BRICKLAYERS, CEMENT MASONS, FINISHERS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKER AND TILE SETTERS: Building Construction: Areas 1, 3, 4, 5, 6 Areas 2, 7, 8 PAINTERS Area 2	14.75 15.15 14.60 15.10	2.10 2.10 2.48 2.48
DECISION NO. WAB2-5117 - Mod. #5 (47 FR 35433 - Aug. 13, 1982) Statewide Washington	CHANGE: Roofers: Area 3: Roofers; Waterproofers Slate and Tile Roofers Sheet Metal Workers: Area 1 Soft Floor Layers: Area 5 Area 7	\$18.85 19.10 17.46 17.03 14.51	\$2.27 2.27 3#3.08 3.10 3.08
DECISION NO. NY81-3018 - MOD. #4 (46 FR 19174 - March 27, 1981) ALBANY, RENSSELAER, SARATOGA & SCHENECTADY COUNTIES, NEW YORK	CHANGE: BRICKLAYERS: Schedules #1, #2, #3 & #4 Class A Class B	14.00 10.50	2.41 2.41

DECISION NO. DB82-5128 - Mod. #1
(47 FR 53612 - Nov. 26, 1982)
Statewide Idaho

ADD:
Line Construction (Area 2):
Area Description:
Remaining Counties:
Truck Drivers (Area 2):
Zone Differential (add to Zone 1 rate):
Zone 2: \$1.50
Zone 3: \$1.75

CHANGE:
Carpenters (Area 2):
Zone 1:
Group 1: \$4.40
Group 2: 4.40
Group 3: 4.40
Zone 2:
Group 1: 4.40
Group 2: 14.64
Group 3: 14.76
Zone 3:
Group 1: 4.40
Group 2: 14.86
Group 3: 15.01

DECISION NO. IL82-2068

POWER EQUIPMENT OPERATORS CLASSIFICATIONS:

- GROUP I** Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers, Plant Opers., Ditching Machines or Backfillers, Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't. Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more, Hoists-2 drum or more, Hydraulic Backhoes, Ditching Machines or Backfiller Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Mixers (over 3 bags) and Boat Opers., (25' & over), Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork-Lifts, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drills (other than derrick type) 1-drum-hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (under 2 bags), all Tractors regardless of size (Straight tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Opers., (under 25 ft., conveyors (1), Distribution Opers., On Trucks, Siphons or Jets (1) Winch Heads or Apparatus (1), Light Plant (1) Mixers (under 2 bags)
- GROUP II** Air Compressor (1), Water Pumps regardless of size (1) Welding Machines (1)
- GROUP III** Firemen and Asphalt Spreader Oilers
- GROUP IV** Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)
- GROUP V** Oilers
- GROUP VI**
- Engineers Operating under air pressure
 - Engineers Operating in air over 10 lbs. pressure
 - Oilers operating under air pressure
 - Oilers operating in air over 10 lbs. pressure

TRUCK DRIVERS CLASSIFICATIONS:

- GROUP I:** Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders
- GROUP II:** 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydraulic or similar equipment when used for transportation purposes; & Winches
- GROUP III:** 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls
- GROUP IV:** Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

- FOOTNOTES:**
- Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 8% of regular hourly rate for employee who has worked in business less than 5 years; 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day After Thanksgiving; & Christmas Day
 - Paid Holiday: 4 Hours for Christmas Eve if holiday falls on Monday through Friday.
 - \$51.00 per week per employee

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDES DECISION

STATE: MISSOURI
 COUNTY: PETTIS AND SALINE
 DATE: DATE OF PUBLICATION
 DECISION NO.: MO82-4069
 DATE: DATE OF PUBLICATION
 Supersedes Decision No. MO81-4058 dated July 24, 1981 in 46 FR 38266
 DESCRIPTION OF WORK: Building projects, (excluding single family homes and apartments up to and including 4 stories).

LABORERS CLASSIFICATION DEFINITIONS PETTIS COUNTY

GROUP 1 - Carpenter tenders; track men; wreckers (alterations or entire project); reinforcing rod carriers; all other general laborers
 GROUP 2 - Plumber laborers; stonemasons tenders; air tool operators; sewer work; water lines; conduit pipe; drain tile & duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; scaleman; jack-hammer; chipping hammer operators; material batch hopper man; spreader or screed man on asphalt machine; brush feeders on pulverizers; swinging scaffold; cement handlers (bulk or sack); laser beam man; chain or concrete saw
 GROUP 3 - Plaster tenders; hod carriers; brick tenders; cutting torch & burner men; asphalt rakers; barco tamper; Jackson or any similar tamper; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzle man; head pipe layer on sewer work; men working in tunnels; head formsetters & string-line men; hot tar applicator

LABORES CLASSIFICATION DEFINITIONS SALINE COUNTY

GROUP 1 - Common labor; wire mesh handlers or setters, carpenter tender; track-men; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alteration or entire projects)
 GROUP 2 - Plumber laborers (conduit pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds; cutting torch or burner men; georgia buggies (self-propelled); fork lift, hoseman; insulation men
 GROUP 3 - Fork lift (masonry); brick tenders; plasterer tenders; stone mason tenders; batco, Jackson or similar tamp operators; asphalt raker; powdermen; mastic hot kettlemen; sandblasting & gunite nozzle men; wagon & churn drill operators

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	16.49	2.60	ROOFERS	15.23	2.36
BOILERMAKERS	16.12	2.825	SHEET METAL WORKERS	16.65	2.63
BRICKLAYERS, STONEMASONS, TILE LAYERS (PETTIS COUNTY)	13.90	.35	SOFT FLOOR LAYERS	11.21	1.95+
CARPENTERS (PETTIS COUNTY)	12.75	1.11	MARBLE & TILE SETTERS	16.55	1.18
Carpenters & lathers	13.25	1.11	TILE SETTERS FINISHERS	14.40	1.08
Piledrivers	12.875	1.11	TERRAZZO WORKERS	15.31	9.25%
CARPENTERS (SALINE COUNTY)	13.55	2.07	TERRAZZO FINISHERS	13.58	
Carpenters & lathers	15.05	2.07	TERRAZZO BASE MACHINE OP.	13.93	
Millwrights & Piledriver-men	13.98		LABORERS (PETTIS COUNTY):	9.575	2.55
CEMENT MASONS	15.18	1.81+	GROUP 1	9.675	2.55
ELECTRICIANS (PETTIS CO.):	16.18	1.81+	GROUP 2	9.90	2.55
Contracts not exceeding 2000 man hours	14.58	10%	GROUP 3	10.95	1.85
Contracts exceeding 2000 man hours	16.18	10%	LABORERS (SALINE COUNTY):	11.10	1.85
ELECTRICIANS (SALINE CO.):	14.58	1.81+	GROUP 1	11.25	1.85
Contracts not exceeding 2000 man hours	16.18	10%	GROUP 2	15.46	3.75
Contracts exceeding 2000 man hours	15.425	2.465+	GROUP III:	15.11	3.75
ELEVATOR CONSTRUCTORS:	70%JR	2.465+	(a)	10.05	3.75
Elevator Constructors	50%JR	a	(b)	13.21	3.75
Elevator Constructors' helpers	14.72	15.488	(c)	10.85	3.75
Elevator Constructors' Helpers (Prob.)	15.15	3.75	(d)	13.46	3.75
GUAZIERS	13.25		GROUP IV	15.71	3.75
IRONWORKERS	14.25		GROUP V	15.36	3.75
Brush	13.75		GROUP VI	15.96	3.75
Spray; Sandblasting	17.44	3.22	GROUP VII:	15.21	3.75
Machine taping; outside work on swing stages, window jacks, with belts or boatswain's chair	13.66		(a)	14.96	3.75
PIPEFITTERS	17.96	2.70	(b)	12.96	3.75
PLASTERERS			(c)	16.46	3.75
PLUMBERS			GROUP VIII	15.96	3.75
			GROUP IX		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; asphalt plant mixer operator;

asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II - Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors single, truck mounted; elevator; finishing machine

GROUP III:

(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h. p.

GROUP IV

Clamshells, 80 ft. of boom or over (inc. jib); crane or rig, 80 ft. of boom or over (inc. jib); draglines, 80 ft. of boom or over (inc. jib); pile drivers, 80 ft. of boom or over (incl. jib)

GROUP V

Hoists-each additional drum over 1 drum

GROUP VI

Crane or rigs, over 200 ft. of boom

GROUP VII

Ready Mixed Concrete Plants:

- (a) Crane operator
- (b) Loader operator & plant man
- (c) Conveyor operator

GROUP VIII

Master Mechanic

GROUP IX

Crane-tower or climbing

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))"

SUPERSEDES DECISION

STATE: Texas
COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan
DECISION NO.: TX82-4065
Supersedes Decision No. TX82-4029 dated 6/18/82, in 47 FR 26552.
DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to & including 4 stories).

Basic Hourly Rates	FRINGE BENEFITS
7.50	2.97
13.60	
3.35	
3.55	
15.20	2.94
16.29	2.895
16.60	2.415
13.45	1.80
12.00	
12.25	
11.43	.82
12.45	.82
13.94	1.30
13.45	.80+.84%
14.45	.80+.84%
15.60	.80+
14.99	8-8/10%
70&JR	2.46+%
50&JR	2.40+%

BUILDING CONSTRUCTION
ASBESTOS WORKERS:
ZONE 1-Bell, Coryell, Falls, Hill & McLennan
ZONE 2-Bosque, Hill, McLennan
BOILERMAKERS
BRICKLAYERS
CARPENTERS:
ZONE 1 - Bell & Coryell:
Carpenters
Millwrights
ZONE 2 - Remaining Cos.:
Carpenters
Millwrights
CEMENT MASONS
ELECTRICIANS:
ZONE 1-Bell (that part which is nearer to Waco than Austin but excl. that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & City of Killeen), Bosque, Coryell (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan:
Electricians
Cable splicers
ZONE 2-Bell (that part which is nearer to Waco than Waco & not to exceed more than 2 miles into Bell Co. from the SE boundary line of Coryell Co., Gray Field & City of Killeen) & Coryell (that part south of Cowhouse Creek):
Electricians & cable splicers
ELEVATOR CONSTRUCTORS:
Mechanics
Helpers
Helpers (Prob.)

BUILDING CONSTRUCTION
GLAZIERS
IRONWORKERS
LABORERS:
Unskilled
Mason tender, mortar mix
LINE CONSTRUCTION:
ZONE 1-Bell (that part which is nearer to Waco than Austin but excl. that part of Ft. Hood boundary which presently is located approx. 2 miles inside the Bell Co. line & City of Killeen), Bosque, Coryell (except part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan:
Linenmen
Cable splicers
Groundman
Operators
ZONE 2-Bell (that part which is nearer to Austin that Waco), & Coryell (south of Cowhouse Creek):
Linenmen
Cable splicers
Groundman
Operators
PAINTERS:
GROUP 1 - Brush
GROUP 2 - Boiler pipe & steel, structural steel window jacks, roofs, stage work, smoke stack water towers, boatswain chair
GROUP 3 - Ames tools for drywall
GROUP 4 - Spray work & self-feeding rollers
GROUP 5 - Steam cleaning sandblasting & hazardous work
PLASTERERS

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits	INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits
PLUMBERS & PIPEFITTERS:					
ZONE 1-McLennan Co. basic rate	\$12.80	1.09	Air Tool Man	5.40	
ZONE 2-20 to 45 miles from McLennan Courthouse, incl. towns of Temple, Marlin, Clifton, Hillsboro & Belton	13.30	1.09	Asphalt Raker	5.65	
ZONE 3-all other areas	14.30	1.09	Carpenter	6.50	
ROOFERS:			Conc. Finisher (Structures)	5.50	
GROUP 1-Slate, tile, asbestos roofing & siding	6.93	.03	Conc. Finisher Helper (Structures)	5.90	
GROUP 2-Composition, built up, ramp & waterproofing	6.80	.03	Concrete Rubber	5.45	
GROUP 3 - Kettlemen	5.10	.03	Form Builder (Structures)	5.25	
SHEET METAL WORKERS:			Form Bldr Hlpr (Structure)	5.00	
ZONE 1-Within a radius of 20 miles from the McLennan Courthouse	12.13	1.58+38	Form Setter (Paving & curb)	5.25	
ZONE 2-Over 20 miles up to 5 incl. 45 miles	12.61	1.58+38	Form Setter (Structures)	6.00	
ZONE 3-Over 45 miles	13.58	1.58+38	Form Str Hlpr (Structures)	4.80	
SPRINKLER FITTERS	16.17	2.83	Laborer, Common	4.00	
TRUCK DRIVERS	3.35		Laborer, Utility Man	4.65	
POWER EQUIPMENT OPERATORS:			Mechanic	7.00	
GROUP 1	14.75	.95	Mechanic Helper	5.50	
GROUP 2	13.50	.95	Serviceman	4.75	
GROUP 3	12.15	.95	Pipelayer-Bosque, Falls, Hill & McLennan Co.	5.00	
GROUP 4	12.05	.95	Pipelayer Helper-Bosque, Falls, Hill & McLennan	4.25	
WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.			Pipelayer (Conc. & clay)	5.00	
			Pipefitter Helper (Conc. & clay)	4.25	
			Plumbers (Bell & Coryell)	4.25	
			Zone 1-20 to 45 miles from McLennan Court	13.30	1.09
			House including towns of Temple & Belton	14.30	1.09
			Zone 2-all area not included in Zone 1		
			Reinforcing Steel Setter (Structures)	5.50	
PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS			Reinforcing Steel Setter Helper	4.65	
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day			Power Equipment Operators:		
			Asphalt Distributor	6.00	
			Broom or Sweeper Op.	5.40	
			Bulldozer 150 HP & Less	5.70	
			Bulldozer over 150 HP	6.00	
			Crane, Clamshell, Backhoe		
			Derrick, Dragline, Shovel (less than 1 1/2 CY)	6.15	
			Crane, Clamshell, Backhoe		
			Derrick, Dragline, Shovel (1 1/2 CY & Over)	7.50	
FOOTNOTE FOR ELEVATOR CONSTRUCTORS					
a - 1st 6 mos.-nonc; 6 mos. to 5 yrs.-6s; over 5 yrs. - 8s of basic hourly rate; Also seven paid holidays A thru G					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits	INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits
Power Equipment Ops. (Cont'd):			Roller, Pneumatic (Self-Propelled)	\$ 4.75	
Foundation Drill Op. (Truck Mounted)	8.00		Scrapers (17 CY & Less)	5.40	
Foundation Drill Op. Hlpr	7.50		Scrapers (Over 17 CY)	5.60	
Front End Loader (2 1/2 CY & Less)	5.50		Tractor (Crawler Type) Over 150 HP	6.00	
Front End Loader (Over 2 1/2 CY)	6.50		Tractor (Pneumatic) over 80 HP	5.05	
Motor Grader Op., Fine Grade	8.00		Traveling Mixer	4.25	
Motor Grader Operator	6.10		Truck Drivers	5.00	
Roller, Steel Wheel (Plant-Mix Pavements)	5.00		Single Axle, Light	5.35	
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.00		Tandem Axle or Semi-trailer	5.00	

FOR EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING CONSTRUCTION)

GROUP 1 - heavy duty mechanic; Blade grader, self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Dragline, Cableway; Backhoe; Cranes, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven two drums or more; Mixer, high-lifts and loaders, over 1 1/2 cu. yd. capacity; Winch truck; Locomotive mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Grapple; Foundation boring machine; Scoopmobile; Shovel, power operated; Pumpcrete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lbs. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)

GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pulsmeter; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lift and loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDES DECISION

STATE: Wisconsin
 COUNTY: Statewide
 DATE: Date of Publication
 DECISION NUMBER: W182-2062
 SUPERSEDES Decision Number W182-2043 dated August 27, 1982, in 47 FR 38035
 DESCRIPTION OF WORK: Highway and Airport Runway and Taxiway Construction
 (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)

Job Title	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; STONEMASONS:		
Zone 1	\$14.35	\$1.50
Zone 2	12.07	1.84
Zone 3	12.75	2.09
Zone 4	13.28	2.10
Zone 5	13.85	1.60
Zone 6	14.77	1.97
Zone 7	14.59	1.90
Zone 8	14.47	3.70
Zone 9	12.99	1.90
Zone 10	15.53	1.56
Zone 11	13.45	1.95
CARPENTERS; PILEDRIVERS:		
Zone 1:		
Carpenters	12.20	2.10
Piledrivermen	12.40	2.10
Zone 2:		
Carpenters	12.27	1.65
Piledrivermen	12.67	1.65
Zone 3:		
Carpenters	13.26	1.91
Piledrivermen	13.66	1.91
Zone 4:		
Carpenters	15.84	1.96
Piledrivermen	15.99	1.96
Zone 5:		
Carpenters	14.26	1.61
Piledrivermen	14.35	1.61
Zone 6:		
Carpenters	12.27	1.65
Piledrivermen	12.67	1.65
Zone 7:		
Carpenters	12.27	1.65
Piledrivermen	12.67	1.65
Zone 8:		
Carpenters; Piledrivermen	13.39	1.90
Zone 9:		
Carpenters	14.12	3.58
Piledrivermen	15.02	3.58
Zone 10:		
Carpenters	14.36	1.51
Piledrivermen	14.45	1.51

Job Title	Basic Hourly Rates	Fringe Benefits
CARPENTERS; PILEDRIVERS:		
(Cont'd)		
Zone 11:		
Carpenters	\$14.00	\$2.80
Piledrivermen	14.25	2.80
Zone 12:		
Carpenters	12.27	1.65
Piledrivermen	12.67	1.65
CEMENT MASONS:		
Zone 1:	15.93	1.70
Zone 2:	14.35	1.50
Zone 3:	11.57	1.84
Zone 4:	12.81	1.54
Zone 5:	11.60	1.75
Zone 6:	13.18	1.50
Zone 7:	12.70	2.65
Zone 8:	12.95	1.95
Zone 9:	13.20	1.50
Zone 10:	12.38	3.36
Zone 11:	14.00	2.10
Zone 12:	13.93	
Zone 13:	14.18	2.90
Zone 14:	14.71	1.55
ELECTRICIANS:		
Zone 1:	14.88	68.85
Zone 2:	15.66	12.8
Zone 3:	14.50	1.40+
Zone 4:	13.94	1.75+
Zone 5:	16.20	1.18
Zone 6:	15.14	3.96+
Zone 7:	15.71	3-3/4
Zone 8:	14.37	38+70
Zone 9:	13.81	1.58
Zone 10:	15.75	1.38
Zone 11:	16.45	1.38
Zone 12:	15.49	11-3/4

Job Title	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Zone 1	\$12.83	\$1.90
Zone 2	15.82	2.60
Zone 3	13.11	2.32
Zone 4	15.56	4.21
Zone 5	16.75	1.89
LINE CONSTRUCTION:		
Statewide:		
Linemens	14.40	98+.45
Heavy Equipment Operators	12.96	98+.45
Light Equipment Operators	11.52	98+.45
Heavy Truck Drivers and Groundmen	10.08	98+.45
Light Truck Drivers and Groundmen	9.36	98+.45
Painters	7.92	98+.45
Zone 1:		
Brush	12.50	.50
Spray and Sandblasting	14.00	.50
Zone 2:		
Brush	14.00	58+.15
Spray and Sandblasting	13.50	58+.15
Zone 3:		
Brush; Spray and Sandblasting	14.43	1.00
Zone 4:		
Brush	12.275	1.75
Spray and Sandblasting	12.875	1.75
Zone 5:		
Brush	12.80	1.00
Spray and Sandblasting	13.22	1.00
Zone 6:		
Brush; Spray and Sandblasting	14.21	1.53
Zone 7:		
Brush	13.20	1.65
Spray	14.20	1.65
Sandblasting	13.45	1.65
Zone 8:		
Brush and Spray	11.80	
Sandblasting	12.30	
Zone 9:		
Brush	11.85	
Spray and Sandblasting	12.25	

Job Title	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Zone 10:		
Brush	\$13.20	\$3.11
Spray	13.35	3.11
Sandblasting	13.60	3.11
Zone 11:		
Brush	13.50	1.40
Spray and Sandblasting	14.00	1.40
Zone 12:		
Brush	12.85	1.90
Spray and Sandblasting	13.45	1.90
Zone 13:		
Brush and Sandblasting	10.40	1.10
Spray	10.90	1.10
LABORERS:		
Zone 1:		
Group 1	10.63	3.49
Group 2	10.73	3.49
Group 3	10.78	3.49
Group 4	10.83	3.49
Group 5	10.88	3.49
Group 6	10.88	3.49
Group 7	11.03	3.49
Group 8	11.28	3.49
Zone 2:		
Group 1	10.75	2.43
Group 2	10.85	2.43
Group 3	10.90	2.43
Group 4	10.95	2.43
Group 5	11.00	2.43
Group 6	11.10	2.43
Group 7	11.15	2.43
Group 8	11.40	2.43
Zone 3:		
Group 1	10.15	3.03
Group 2	10.25	3.03
Group 3	10.30	3.03
Group 4	10.35	3.03
Group 5	10.40	3.03
Group 6	10.50	3.03
Group 7	10.55	3.03
Group 8	10.90	3.03
Zone 4:		
Group 1	10.80	1.53
Group 2	10.85	1.53
Group 3	10.90	1.53

- FOOTNOTES:**
- a. Per week per employee on payroll 30 days or longer, \$91.25
 - Per week - Health, Welfare and Pension
 - b. Per week per employee on payroll 30 days or longer, \$100.50
 - Per week - Health, Welfare and Pension
 - c. Per week per employee on payroll 30 days or longer, \$92.68
 - Per week - Health, Welfare and Pension

ZONE DESCRIPTIONS

BRICKLAYERS; STONEMASONS:

- Zone 1: Barron, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, and Washburn Counties
- Zone 2: Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas, and Wood Counties
- Zone 3: Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Washara, and Winnebago Counties
- Zone 4: Green, Lafayette, and Rock Counties
- Zone 5: Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Trempealeau, and Vernon Counties
- Zone 6: Kenosha, Racine, and Walworth Counties
- Zone 7: Dane, Grant, Iowa, and Richland Counties
- Zone 8: Milwaukee, Ozaukee, Washington, and Waukesha Counties
- Zone 9: Columbia and Sauk Counties
- Zone 10: Ashland, Bayfield, Douglas, and Iron Counties
- Zone 11: Dodge and Jefferson Counties

CARPENTERS; PILEDRIVERMEN:

- Zone 1: Ashland, Bayfield, and Iron Counties
- Zone 2: Barron, Burnett, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Taylor, and Washburn Counties
- Zone 3: Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago Counties
- Zone 4: Green, Rock, and Walworth Counties
- Zone 5: Kenosha County
- Zone 6: Jackson, La Crosse, Trempealeau, and Vernon Counties
- Zone 7: Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Jefferson, Juneau, Lafayette, Richland, and Sauk Counties
- Zone 8: Florence County
- Zone 9: Milwaukee, Ozaukee, Washington, and Waukesha Counties
- Zone 10: Racine County
- Zone 11: Douglas County
- Zone 12: Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Vilas, and Wood Counties

Basic Hourly Rates	Fringe Benefits
\$11.25	.35+a
11.40	.35+a
11.25	.35+b
11.40	.35+b
11.25	.35+c
11.40	.35+c

TRUCK DRIVERS:

- Zone 1:
- Group 1
- Group 2
- Zone 2:
- Group 1
- Group 2
- Zone 3:
- Group 1
- Group 2

Basic Hourly Rates	Fringe Benefits
\$10.95	1.53
11.00	1.53
11.05	1.53
9.88	3.49
9.93	3.49
9.98	3.49
10.03	3.49
10.08	3.49
10.13	3.49
10.18	3.49
10.52	1.53
10.57	1.53
10.62	1.53
10.67	1.53
10.72	1.53
11.05	1.53
11.02	2.60
13.76	2.60
13.67	2.60
13.59	2.60
13.51	2.60
13.47	2.60
13.38	2.60
13.26	2.60

LABORERS: (Cont'd)

- Zone 4:
- Group 4
- Group 5
- Group 6
- Zone 5:
- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Zone 6:
- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

POWER EQUIPMENT OPERATORS:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8

ZONE DESCRIPTIONS (Cont'd)

CEMENT MASONS:

- Zone 1: Bayfield, Douglas, Price, Sawyer, and Washburn Counties
 Zone 2: Barron, Burnett, Chippewa, Dunn, Polk, Rusk, and St. Croix Counties
 Zone 3: Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Taylor, Vilas, and Wood Counties
 Zone 4: Eau Claire, Pepin, and Pierce Counties
 Zone 5: Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago Counties
 Zone 6: Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau, and Vernon Counties
 Zone 7: Racine and Kenosha Counties
 Zone 8: Dodge and Jefferson Counties
 Zone 9: Columbia and Sauk Counties
 Zone 10: Milwaukee, Ozaukee, Washington, and Waukesha Counties
 Zone 11: Dane, Green, Iowa, Lafayette, and Rock Counties
 Zone 12: Grant County
 Zone 13: Walworth County
 Zone 14: Ashland and Iron Counties

ELECTRICIANS:

- Zone 1: Calumet, Green Lake, Marquette, Outagamie, Waupaca, Waushara, and Winnebago Counties
 Zone 2: Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties
 Zone 3: Brown, Door, Kewaunee, Manitowoc, and Oconto Counties
 Zone 4: Adams, Florence, Forest, Juneau, Langlade, Lincoln, Marathon, Marinette, Menominee, Oneida, Portage, Shawano, Vilas, and Wood Counties
 Zone 5: Kenosha County
 Zone 6: Crawford, Grant, La Crosse, Monroe, Richland, and Vernon Counties
 Zone 7: Green, Jefferson, Lafayette, Rock, and Walworth Counties
 Zone 8: Columbia, Dane, Dodge, Iowa, and Sauk Counties
 Zone 9: Fond Du Lac and Sheboygan Counties
 Zone 10: Ashland, Bayfield, Douglas, and Iron Counties
 Zone 11: Racine County
 Zone 12: Milwaukee, Ozaukee, Washington, and Waukesha Counties

IRONWORKERS:

- Zone 1: Grant County
 Zone 2: Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Vilas, and Washburn Counties
 Zone 3: Adams, Clark, Columbia, Crawford, Dane, Dodge, Florence, Fond Du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Langlade, Lincoln, Marquette, Marathon, Menominee, Monroe, Oconto, Oneida, Outagamie, Portage, Richland, Rock, Sauk, Shawano, Taylor, Vernon, Walworth, Waupaca, Waushara, Winnebago, and Wood Counties
 Zone 4: Brown, Calumet, Door, Kenosha, Kewaunee, Marinette, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha Counties
 Zone 5: Buffalo, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, St. Croix, and Trempealeau Counties

ZONE DESCRIPTIONS (Cont'd)

PAINTERS:

- Zone 1: Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, and Vilas Counties
 Zone 2: Barron, Buffalo, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Trempealeau, and Washburn Counties
 Zone 3: Brown, Door, Kewaunee, and Oconto Counties
 Zone 4: Kenosha and Walworth Counties
 Zone 5: Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon, Taylor, and Wood Counties
 Zone 6: Ashland, Bayfield, Burnett, and Douglas Counties
 Zone 7: Columbia, Dane, Dodge, Grant, Green, Iowa, Lafayette, Richland, Rock, and Sauk Counties
 Zone 8: Calumet and Manitowoc Counties
 Zone 9: Marinette County
 Zone 10: Jefferson, Milwaukee, Ozaukee, Washington, and Waukesha Counties
 Zone 11: Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, and Winnebago Counties
 Zone 12: Racine County
 Zone 13: Sheboygan County

LABORERS:

- Zone 1: Milwaukee and Waukesha Counties
 Zone 2: Racine County
 Zone 3: Kenosha County
 Zone 4: Dane County
 Zone 5: Washington and Ozaukee Counties
 Zone 6: Remainder of State

TRUCK DRIVERS:

- Zone 1: Entire State except those Counties in Zones 2 and 3
 Zone 2: Milwaukee, Ozaukee, Washington, and Waukesha Counties
 Zone 3: Racine and Kenosha Counties

LABORERS CLASSIFICATIONS

ZONES 1, 2, and 3

- Group 1: Bituminous Workers (Shovelers, Loader, Utility Man); Demolition and Wrecking Laborer; Guard Rail Builder; Reinforcing Steel Setter (pavement); Stone Handler; Tree Trimmer; Landscafer; Multiple Culvert Assembler; Conduit Layer; Unskilled Laborer
 Group 2: Bituminous Workers (Dumper, Ironer, Smoother, Tamper); Batch Truck Dumper; Cement Handler; Concrete Handler
 Group 3: Chain Saw Operator; Demolition Burning Torch Laborer; Joint Sawyer and Filler (pavement); Vibrator or tamper Operator (mechanical, hand operated)

LABORERS CLASSIFICATIONS - ZONES 1, 2, and 3 (Cont'd)

- Group 4: Air Tool Operator (hand operated)
 Group 5: Strike Off Man
 Group 6: Form Setter (curb, walk and pavement)
 Group 7: Bituminous Worker (Raker and Luteman)
 Group 8: Powderman, Blaster

ZONES 4 and 6

- Group 1: Bituminous Workers (Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man); Strike Off Man; Joint Sawyer or Filler (pavement); Concrete Handler; Demolition and Wrecking Laborer; Guard Rail Builder; Reinforcing Steel Setter (pavement); Stone Handler; Landscaper; Multiplate Culvert Assembler; Conduit Layer; Unskilled Laborer
 Group 2: Tree Trimmer
 Group 3: Air Tool Operator; Vibrator or Tamper Operator; Batch Truck Dump; Cement Handler; Form Setter (curb, walk and pavement)
 Group 4: Bituminous Worker (Raker, Luteman); Chain Saw Operator; Demolition Burning Torch Laborer
 Group 5: Powderman, Blaster
 Group 6: Bituminous Worker (Raker, Luteman)

ZONE 5

- Group 1: Bituminous Workers (Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man); Concrete Handler; Conduit Layer; Demolition and Wrecking Laborer; Guard Rail Builder; Joint Saw and Filler (pavement); Landscaper; Multiplate Culvert Assembler; Reinforcing Steel Setter (pavement); Stone Handler; Strike Off Man; Unskilled Laborer
 Group 2: Tree Trimmer
 Group 3: Air Tool Operator (hand operated); Batch Truck Dumper or Cement Handler; Vibrator or Tamper Operator, mechanical (hand operated)
 Group 4: Chain Saw Operator; Demolition Burning Torch Laborer; Formsetter (curb, walk and pavement)
 Group 5: Blaster, Powderman
 Group 6: Bituminous Workers (Raker, Luteman)

[FR Doc. 82-34008 Filed 12-16-82; 8:45 am]

BILLING CODE 4510-27-C

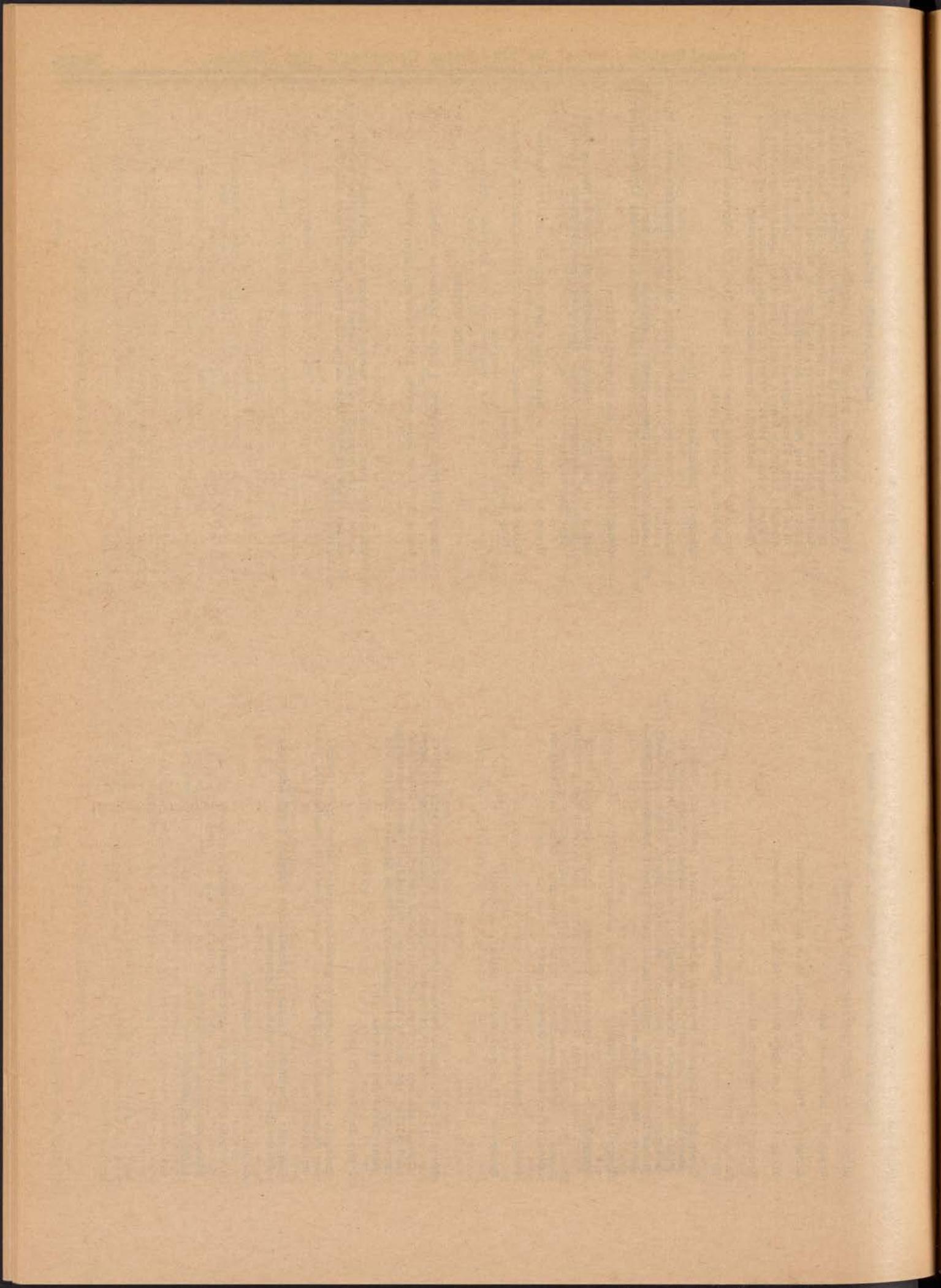
POWER EQUIPMENT OPERATORS

- Group 1: Automatic Subgrader; Bituminous Paver or Plant; Central Concrete Plant; Concrete Breaker (heavy); Concrete Mixer-Paver; Crane; Derrick; Dragline; Dredge; Excavator (Side Boom); Grader; Loading Machine (Conveyor); Mechanic or Welder (heavy duty equipment); Milling Machine; Percussion or Rotary Drilling Machine; Pile Driver; Placer-Spreader; Power Shovel; Sced (Bituminous Paver); Slipform Paver; Stabilizing Mixer (self-propelled); Steel Roller (over 5 tons); Tractor (Scraper, Dozer, Pusher, Loader, Endloader, Backhoe); Trench Machine Tube Finisher
 Group 2: Concrete Mixer (less than 21 C.F.); Concrete Pump; Steel Roller (5 tons or less)
 Group 3: Shouldering Machine
 Group 4: Concrete Breaker (light); Concrete Spreader; Curing Machine; Finishing Machine; Launch; Mechanical Float; Roller (Pneumatic tired self-propelled); Subgrader (Form Paving); Tractor (light equipment); Tractor (towing Compactors and light equipment)
 Group 5: Fireman; Environmental Burner
 Group 6: Air Compressor; Curb Machine; Drilling or Boring Machine (heavy); Generator; Greaser (heavy equipment); Stump Chipper; Tank Car Heater
 Group 7: Crusher or Screening Plant; Sced (Milling Machine)
 Group 8: Oiler; Percussion or Rotary Drilling Machine Helper; Pump (over 3 inches)

TRUCK DRIVERS

- Group 1: Truck Drivers, 2 axle - Mechanics Helper, Truck
 Group 2: 2 or more axles, Euclids or Dumpster units

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))



federal register

Friday
December 17, 1982

Part III
Office of
Management
and Budget

**Cumulative Report on Rescissions and
Deferrals**

**OFFICE OF MANAGEMENT AND
BUDGET****Cumulative Report on Rescissions and
Deferrals**

December 1, 1982.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of December 1, 1982 of 20 deferrals contained in the first special message of FY 1983 transmitted to the Congress on October 1, 1982.

Deferrals (Attachment)

As of December 1, 1982, \$584.3 million in 1983 budget authority was being deferred from obligation and another \$7.9 million in 1983 obligations was being deferred from expenditure. The Attachment shows the history and status of each deferral reported during FY 1983.

Information From Special Message

The special message containing information on the deferrals covered by the cumulative report is printed in the **Federal Register** of:

Thursday, October 7, 1982 (Part V,
Vol. 47, No. 195)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars) *
Deferrals proposed by the President.....	\$ 598.8
Routine Executive releases through December 1, 1982.....	-6.5
Overturned by the Congress.....	0
Currently before the Congress.....	\$ 592.2 a

* Totals do not add due to rounding.

a This amount includes \$7.9 million in outlays for a Department of the Treasury deferral (D83-16).

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AS OF 12/01/82 15:46

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 12-1-82
FUNDS APPROPRIATED TO THE PRESIDENT								
International Development Assistance								
Functional development assistance program	BA D83- 1	8,129		10 1 82				8,129

FUNDS APPROPRIATED TO THE PRESIDENT	TOTAL BA	8,129						8,129

DEPARTMENT OF AGRICULTURE								
Forest Service								
Timber salvage sales	BA D83- 2	10,002		10 1 82				10,002
Expenses, brush disposal	BA D83- 3	44,575		10 1 82				44,575

DEPARTMENT OF AGRICULTURE	TOTAL BA	54,577						54,577

DEPARTMENT OF COMMERCE								
International Trade Administration								
Participation in U.S. expositions	BA D83- 4	3,356		10 1 82				3,356
National Oceanic and Atmospheric Administration								
Promote and develop fishery products and research	BA D83- 5	30,619		10 1 82	-6,534			24,085

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AS OF 12/01/82 15:46

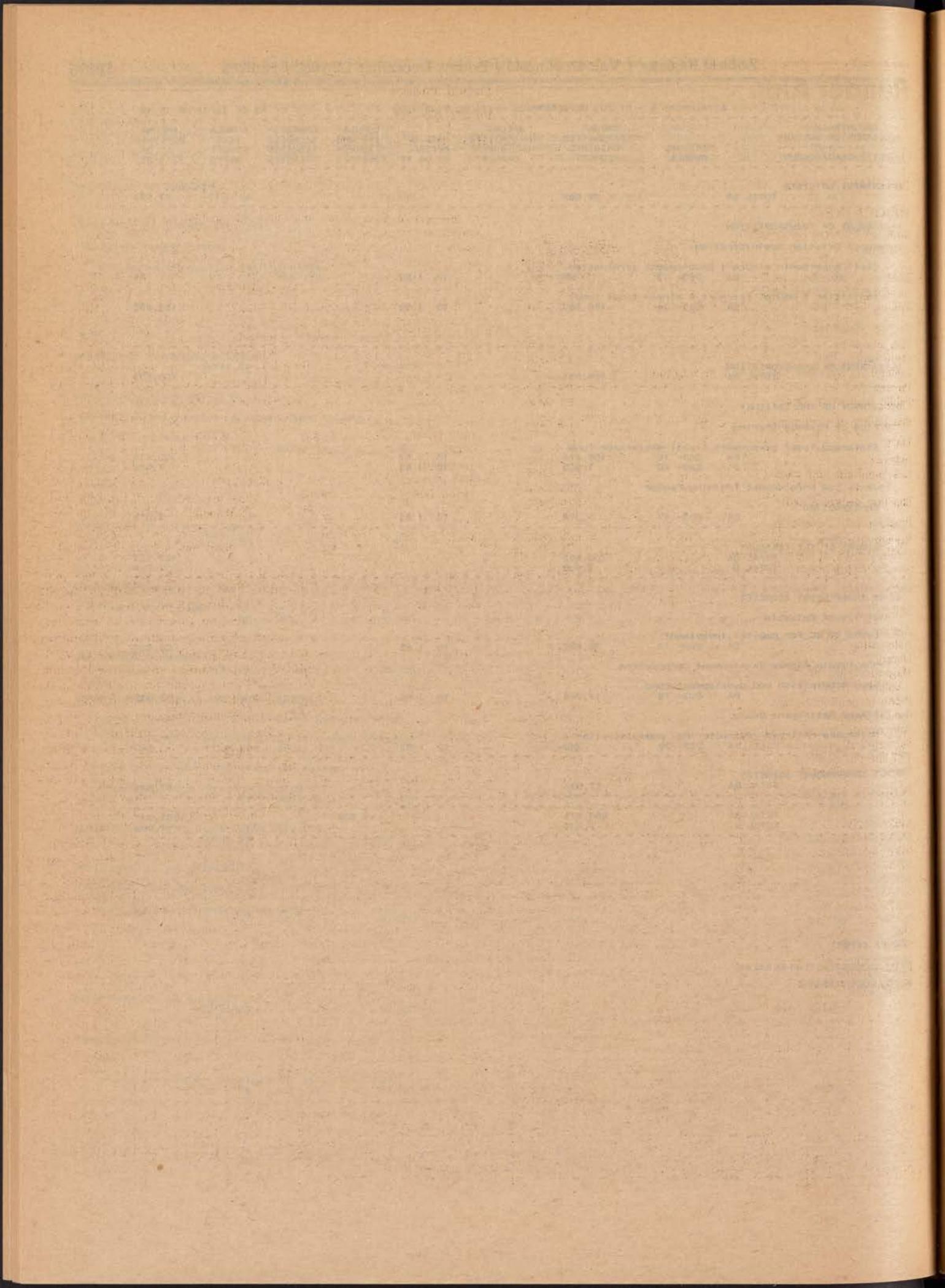
AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 12-1-82
DEPARTMENT OF COMMERCE								
TOTAL BA		33,975			-6,534			27,441
DEPARTMENT OF DEFENSE-MILITARY								
Military Construction								
Military construction, all services								
BA D83- 6		64,063		10 1 82				64,063
DEPARTMENT OF DEFENSE-MILITARY								
TOTAL BA		64,063						64,063
DEPARTMENT OF DEFENSE-CIVIL								
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA D83- 7		1,061		10 1 82				1,061
DEPARTMENT OF DEFENSE-CIVIL								
TOTAL BA		1,061						1,061
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy R&D								
BA D83- 8		20,136		10 1 82				20,136
DEPARTMENT OF ENERGY								
TOTAL BA		20,136						20,136
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA D83- 9		9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program								
BA D83- 10		6,420		10 1 82				6,420
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
TOTAL BA		16,134						16,134
DEPARTMENT OF THE INTERIOR								
National Park Service								
Land and water conservation fund								
BA D83- 11		30,000		10 1 82				30,000
DEPARTMENT OF THE INTERIOR								
TOTAL BA		30,000						30,000
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund								
BA D83- 12		37,692		10 1 82				37,692

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983							AS OF 12/01/82 15:46	
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB / AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-82
DEPARTMENT OF STATE								
TOTAL BA		37,692						37,692
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Civil supersonic aircraft development termination								
BA	D83- 13	46		10 1 82				46
Facilities & equip. (Airport & airway trust fund)								
BA	D83- 14	158,485		10 1 82				158,485
DEPARTMENT OF TRANSPORTATION								
TOTAL BA		158,531						158,531
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D83- 15	106,474		10 1 82				106,474
D	D83- 16	7,909		10 1 82				7,909
Federal Law Enforcement Training Center								
Construction								
BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY								
TOTAL BA		109,552						109,552
TOTAL D		7,909						7,909
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans to DC for capital investment								
BA	D83- 18	38,832		10 1 82				38,832
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund								
BA	D83- 19	17,949		10 1 82				17,949
Railroad Retirement Board								
Milwaukee railroad restructuring, administration								
BA	D83- 20	240		10 1 82				240
OTHER INDEPENDENT AGENCIES								
TOTAL BA		57,021						57,021
TOTAL BA		590,871						584,337
TOTAL D		7,909				-6,534		7,909

END OF REPORT

[FR Doc. 82-34289 Filed 12-16-82; 8:45 am]

BILLING CODE 3110-01-C



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Federal Register

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Friday, December 17, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing October 28, 1982